

**ORAL ARGUMENT SCHEDULED FOR SEPTEMBER 16, 2024**

Case No. 24-1130  
Consolidated With No. 24-1113

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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TIKTOK INC. and BYTEDANCE LTD.

*Petitioners,*

v.

MERRICK B. GARLAND, in his official capacity as Attorney General of  
the United States,

*Respondent.*

*(continued on inside cover)*

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**ON PETITION FOR REVIEW OF THE PROTECTING AMERICANS  
FROM FOREIGN ADVERSARY CONTROLLED APPLICATIONS  
ACT (H.R. 815)**

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**CORRECTED ADDENDUM TO OPENING BRIEF  
OF CREATOR PETITIONERS**

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TOWNSEND, and STEVEN KING,

*Petitioners,*

v.

MERRICK B. GARLAND, in his capacity  
as United States Attorney General,

*Respondent.*

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BASED Politics Inc.,

*Petitioner,*

v.

MERRICK B. GARLAND, in his official capacity as Attorney General of  
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H. R. 815

# One Hundred Eighteenth Congress of the United States of America

## AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,  
the third day of January, two thousand and twenty-four*

### An Act

Making emergency supplemental appropriations for the fiscal year ending September 30, 2024, and for other purposes.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

#### SECTION 1. ORGANIZATION OF ACT INTO DIVISIONS.

(a) DIVISIONS.—This Act is organized into the following divisions:

- (1) DIVISION A.—Israel Security Supplemental Appropriations Act, 2024.
- (2) DIVISION B.—Ukraine Security Supplemental Appropriations Act, 2024.
- (3) DIVISION C.—Indo-Pacific Security Supplemental Appropriations Act, 2024.
- (4) DIVISION D.—21st Century Peace through Strength Act.
- (5) DIVISION E.—FEND off Fentanyl Act.
- (6) DIVISION F.—Rebuilding Economic Prosperity and Opportunity for Ukrainians Act.
- (7) DIVISION G.—Other Matters.
- (8) DIVISION H.—Protecting Americans from Foreign Adversary Controlled Applications Act.
- (9) DIVISION I.—Protecting Americans' Data from Foreign Adversaries Act of 2024.
- (10) DIVISION J.—SHIP Act.
- (11) DIVISION K.—Fight CRIME Act.
- (12) DIVISION L.—MAHSA Act.
- (13) DIVISION M.—Hammas and Other Palestinian Terrorist Groups International Financing Prevention Act.
- (14) DIVISION N.—No Technology for Terror Act.
- (15) DIVISION O.—Strengthening Tools to Counter the Use of Human Shields Act.
- (16) DIVISION P.—Illicit Captagon Trafficking Suppression Act.
- (17) DIVISION Q.—End Financing for Hamas and State Sponsors of Terrorism Act.
- (18) DIVISION R.—Holding Iranian Leaders Accountable Act.
- (19) DIVISION S.—Iran-China Energy Sanctions Act of 2023.
- (20) DIVISION T.—Budgetary Effects.

#### SEC. 2. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

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Fusion Development Strategy programs of the People's Republic of China, including the following:

(1) A brief summary of each such identified field and its relevance to the military power and national security of the People's Republic of China.

(2) The implications for the national security of the United States as a result of the leadership or dominance by the People's Republic of China in each such identified field and associated supply chains.

(3) The identification of at least 10 entities domiciled in, controlled by, or directed by the People's Republic of China (including any subsidiaries of such entity), involved in each such identified field, and an assessment of, with respect to each such entity, the following:

(A) Whether the entity has procured components from any known United States suppliers.

(B) Whether any United States technology imported by the entity is controlled under United States regulations.

(C) Whether United States capital is invested in the entity, either through known direct investment or passive investment flows.

(D) Whether the entity has any connection to the People's Liberation Army, the Military-Civil Fusion program of the People's Republic of China, or any other state-sponsored initiatives of the People's Republic of China to support the development of national champions.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs of the House of Representatives;

(2) the Committee on Armed Services of the House of Representatives;

(3) the Committee on Foreign Relations of the Senate; and

(4) the Committee on Armed Services of the Senate.

## **DIVISION H—PROTECTING AMERICANS FROM FOREIGN ADVERSARY CON- TROLLED APPLICATIONS ACT**

### **SEC. 1. SHORT TITLE.**

This division may be cited as the “Protecting Americans from Foreign Adversary Controlled Applications Act”.

### **SEC. 2. PROHIBITION OF FOREIGN ADVERSARY CONTROLLED APPLICATIONS.**

(a) IN GENERAL.—

(1) PROHIBITION OF FOREIGN ADVERSARY CONTROLLED APPLICATIONS.—It shall be unlawful for an entity to distribute, maintain, or update (or enable the distribution, maintenance, or updating of) a foreign adversary controlled application by carrying out, within the land or maritime borders of the United States, any of the following:

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(A) Providing services to distribute, maintain, or update such foreign adversary controlled application (including any source code of such application) by means of a marketplace (including an online mobile application store) through which users within the land or maritime borders of the United States may access, maintain, or update such application.

(B) Providing internet hosting services to enable the distribution, maintenance, or updating of such foreign adversary controlled application for users within the land or maritime borders of the United States.

(2) APPLICABILITY.—Subject to paragraph (3), this subsection shall apply—

(A) in the case of an application that satisfies the definition of a foreign adversary controlled application pursuant to subsection (g)(3)(A), beginning on the date that is 270 days after the date of the enactment of this division; and

(B) in the case of an application that satisfies the definition of a foreign adversary controlled application pursuant to subsection (g)(3)(B), beginning on the date that is 270 days after the date of the relevant determination of the President under such subsection.

(3) EXTENSION.—With respect to a foreign adversary controlled application, the President may grant a 1-time extension of not more than 90 days with respect to the date on which this subsection would otherwise apply to such application pursuant to paragraph (2), if the President certifies to Congress that—

(A) a path to executing a qualified divestiture has been identified with respect to such application;

(B) evidence of significant progress toward executing such qualified divestiture has been produced with respect to such application; and

(C) there are in place the relevant binding legal agreements to enable execution of such qualified divestiture during the period of such extension.

(b) DATA AND INFORMATION PORTABILITY TO ALTERNATIVE APPLICATIONS.—Before the date on which a prohibition under subsection (a) applies to a foreign adversary controlled application, the entity that owns or controls such application shall provide, upon request by a user of such application within the land or maritime borders of United States, to such user all the available data related to the account of such user with respect to such application. Such data shall be provided in a machine readable format and shall include any data maintained by such application with respect to the account of such user, including content (including posts, photos, and videos) and all other account information.

(c) EXEMPTIONS.—

(1) EXEMPTIONS FOR QUALIFIED DIVESTITURES.—Subsection (a)—

(A) does not apply to a foreign adversary controlled application with respect to which a qualified divestiture is executed before the date on which a prohibition under subsection (a) would begin to apply to such application; and

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(B) shall cease to apply in the case of a foreign adversary controlled application with respect to which a qualified divestiture is executed after the date on which a prohibition under subsection (a) applies to such application.

(2) EXEMPTIONS FOR CERTAIN NECESSARY SERVICES.—Subsections (a) and (b) do not apply to services provided with respect to a foreign adversary controlled application that are necessary for an entity to attain compliance with such subsections.

(d) ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) FOREIGN ADVERSARY CONTROLLED APPLICATION VIOLATIONS.—An entity that violates subsection (a) shall be subject to pay a civil penalty in an amount not to exceed the amount that results from multiplying \$5,000 by the number of users within the land or maritime borders of the United States determined to have accessed, maintained, or updated a foreign adversary controlled application as a result of such violation.

(B) DATA AND INFORMATION VIOLATIONS.—An entity that violates subsection (b) shall be subject to pay a civil penalty in an amount not to exceed the amount that results from multiplying \$500 by the number of users within the land or maritime borders of the United States affected by such violation.

(2) ACTIONS BY ATTORNEY GENERAL.—The Attorney General—

(A) shall conduct investigations related to potential violations of subsection (a) or (b), and, if such an investigation results in a determination that a violation has occurred, the Attorney General shall pursue enforcement under paragraph (1); and

(B) may bring an action in an appropriate district court of the United States for appropriate relief, including civil penalties under paragraph (1) or declaratory and injunctive relief.

(e) SEVERABILITY.—

(1) IN GENERAL.—If any provision of this section or the application of this section to any person or circumstance is held invalid, the invalidity shall not affect the other provisions or applications of this section that can be given effect without the invalid provision or application.

(2) SUBSEQUENT DETERMINATIONS.—If the application of any provision of this section is held invalid with respect to a foreign adversary controlled application that satisfies the definition of such term pursuant to subsection (g)(3)(A), such invalidity shall not affect or preclude the application of the same provision of this section to such foreign adversary controlled application by means of a subsequent determination pursuant to subsection (g)(3)(B).

(f) RULE OF CONSTRUCTION.—Nothing in this division may be construed—

(1) to authorize the Attorney General to pursue enforcement, under this section, other than enforcement of subsection (a) or (b);

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(2) to authorize the Attorney General to pursue enforcement, under this section, against an individual user of a foreign adversary controlled application; or

(3) except as expressly provided herein, to alter or affect any other authority provided by or established under another provision of Federal law.

(g) DEFINITIONS.—In this section:

(1) CONTROLLED BY A FOREIGN ADVERSARY.—The term “controlled by a foreign adversary” means, with respect to a covered company or other entity, that such company or other entity is—

(A) a foreign person that is domiciled in, is headquartered in, has its principal place of business in, or is organized under the laws of a foreign adversary country;

(B) an entity with respect to which a foreign person or combination of foreign persons described in subparagraph (A) directly or indirectly own at least a 20 percent stake; or

(C) a person subject to the direction or control of a foreign person or entity described in subparagraph (A) or (B).

(2) COVERED COMPANY.—

(A) IN GENERAL.—The term “covered company” means an entity that operates, directly or indirectly (including through a parent company, subsidiary, or affiliate), a website, desktop application, mobile application, or augmented or immersive technology application that—

(i) permits a user to create an account or profile to generate, share, and view text, images, videos, real-time communications, or similar content;

(ii) has more than 1,000,000 monthly active users with respect to at least 2 of the 3 months preceding the date on which a relevant determination of the President is made pursuant to paragraph (3)(B);

(iii) enables 1 or more users to generate or distribute content that can be viewed by other users of the website, desktop application, mobile application, or augmented or immersive technology application; and

(iv) enables 1 or more users to view content generated by other users of the website, desktop application, mobile application, or augmented or immersive technology application.

(B) EXCLUSION.—The term “covered company” does not include an entity that operates a website, desktop application, mobile application, or augmented or immersive technology application whose primary purpose is to allow users to post product reviews, business reviews, or travel information and reviews.

(3) FOREIGN ADVERSARY CONTROLLED APPLICATION.—The term “foreign adversary controlled application” means a website, desktop application, mobile application, or augmented or immersive technology application that is operated, directly or indirectly (including through a parent company, subsidiary, or affiliate), by—

(A) any of—

(i) ByteDance, Ltd.;

## H. R. 815—65

- (ii) TikTok;
- (iii) a subsidiary of or a successor to an entity identified in clause (i) or (ii) that is controlled by a foreign adversary; or
- (iv) an entity owned or controlled, directly or indirectly, by an entity identified in clause (i), (ii), or (iii); or
- (B) a covered company that—
  - (i) is controlled by a foreign adversary; and
  - (ii) that is determined by the President to present a significant threat to the national security of the United States following the issuance of—
    - (I) a public notice proposing such determination; and
    - (II) a public report to Congress, submitted not less than 30 days before such determination, describing the specific national security concern involved and containing a classified annex and a description of what assets would need to be divested to execute a qualified divestiture.
- (4) **FOREIGN ADVERSARY COUNTRY.**—The term “foreign adversary country” means a country specified in section 4872(d)(2) of title 10, United States Code.
- (5) **INTERNET HOSTING SERVICE.**—The term “internet hosting service” means a service through which storage and computing resources are provided to an individual or organization for the accommodation and maintenance of 1 or more websites or online services, and which may include file hosting, domain name server hosting, cloud hosting, and virtual private server hosting.
- (6) **QUALIFIED DIVESTITURE.**—The term “qualified divestiture” means a divestiture or similar transaction that—
  - (A) the President determines, through an interagency process, would result in the relevant foreign adversary controlled application no longer being controlled by a foreign adversary; and
  - (B) the President determines, through an interagency process, precludes the establishment or maintenance of any operational relationship between the United States operations of the relevant foreign adversary controlled application and any formerly affiliated entities that are controlled by a foreign adversary, including any cooperation with respect to the operation of a content recommendation algorithm or an agreement with respect to data sharing.
- (7) **SOURCE CODE.**—The term “source code” means the combination of text and other characters comprising the content, both viewable and nonviewable, of a software application, including any publishing language, programming language, protocol, or functional content, as well as any successor languages or protocols.
- (8) **UNITED STATES.**—The term “United States” includes the territories of the United States.

**SEC. 3. JUDICIAL REVIEW.**

- (a) **RIGHT OF ACTION.**—A petition for review challenging this division or any action, finding, or determination under this division

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may be filed only in the United States Court of Appeals for the District of Columbia Circuit.

(b) **EXCLUSIVE JURISDICTION.**—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over any challenge to this division or any action, finding, or determination under this division.

(c) **STATUTE OF LIMITATIONS.**—A challenge may only be brought—

(1) in the case of a challenge to this division, not later than 165 days after the date of the enactment of this division; and

(2) in the case of a challenge to any action, finding, or determination under this division, not later than 90 days after the date of such action, finding, or determination.

## **DIVISION I—PROTECTING AMERICANS’ DATA FROM FOREIGN ADVERSARIES ACT OF 2024**

### **SEC. 1. SHORT TITLE.**

This division may be cited as the “Protecting Americans’ Data from Foreign Adversaries Act of 2024”.

### **SEC. 2. PROHIBITION ON TRANSFER OF PERSONALLY IDENTIFIABLE SENSITIVE DATA OF UNITED STATES INDIVIDUALS TO FOREIGN ADVERSARIES.**

(a) **PROHIBITION.**—It shall be unlawful for a data broker to sell, license, rent, trade, transfer, release, disclose, provide access to, or otherwise make available personally identifiable sensitive data of a United States individual to—

(1) any foreign adversary country; or

(2) any entity that is controlled by a foreign adversary.

(b) **ENFORCEMENT BY FEDERAL TRADE COMMISSION.**—

(1) **UNFAIR OR DECEPTIVE ACTS OR PRACTICES.**—A violation of this section shall be treated as a violation of a rule defining an unfair or a deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) **POWERS OF COMMISSION.**—

(A) **IN GENERAL.**—The Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) **PRIVILEGES AND IMMUNITIES.**—Any person who violates this section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

(3) **AUTHORITY PRESERVED.**—Nothing in this section may be construed to limit the authority of the Commission under any other provision of law.

(c) **DEFINITIONS.**—In this section:

(1) **COMMISSION.**—The term “Commission” means the Federal Trade Commission.

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

---

BRIAN FIREBAUGH, CHLOE  
JOY SEXTON, TALIA CADET,  
TIMOTHY MARTIN, KIERA  
SPANN, PAUL TRAN,  
CHRISTOPHER TOWNSEND,  
and STEVEN KING,

*Petitioners,*

v.

MERRICK B. GARLAND, in his  
capacity as United States Attorney  
General,

*Respondent*

---

**DECLARATION OF TALIA CADET IN SUPPORT OF  
PETITIONERS' BRIEF ON THE MERITS**

I, Talia Cadet, declare as follows:

1. I make this declaration from personal knowledge.
2. I live in Capitol Heights, Maryland and work as the chief digital officer at a lobbying firm in Washington, D.C.
3. I started using TikTok in 2020 as a form of entertainment and connection during the isolation of the Covid-19 pandemic. I found the platform to be a joyful and creative space, and was inspired by how some

creators used the platform to uplift others and represent voices that are not always heard. I was able to learn about so many things on the app. For example, TikTok is where I fell in love with #BlackBookTok and reading, planned amazing vacations to Las Vegas, New Orleans, and South Africa, and renewed my enthusiasm for living in the DC Metropolitan area. I love watching content on TikTok—it really is an incredible source of knowledge curated specifically for things that interest me.

4. After about two years, I decided to try creating some videos of my own. These videos often focus on one of my favorite things—books. I love to review books and promote Black authors and independent authors. *See* Multimedia Upload at Cadet Video A.<sup>1</sup> I find it very exciting that I can help others discover books while helping diverse authors to increase their following. In addition to reviewing books, I often review and discuss Black-owned businesses in the D.C. area and nationwide.

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<sup>1</sup> In compliance with the Court's June 3, 2024 Procedures Regarding Submission of Audio or Video Files, the Petitioners have uploaded to the Court's Box.com file repository a set of TikTok videos as part of the record. A public link to this particular video is available here:

[https://www.tiktok.com/@taliacadet/video/7244248168416759082?\\_r=1&t=8n90vITp2OE](https://www.tiktok.com/@taliacadet/video/7244248168416759082?_r=1&t=8n90vITp2OE).

*See Multimedia Upload at Cadet Video B.*<sup>2</sup> I really enjoy connecting with small and minority business owners and using my platform to help amplify their voices.

5. Additionally, some of my videos focus on my life, including reviewing my international vacations, tips for fun events around the D.C. area, and my goals for each month. These videos provide me a creative outlet, and I love seeing my followers' responses to and interactions with these videos. The community on TikTok is so welcoming that I have even felt comfortable sharing more vulnerable topics with my followers. For example, when I was diagnosed with a specific corneal disease, I shared my journey on TikTok—and several of my followers with the same diagnosis told me that seeing my videos helped them feel less anxious about the process. *See Multimedia Upload at Cadet Video C.*<sup>3</sup> I have also used TikTok to talk about celibacy and self-care—topics that are important to me but not always easy to talk about on other platforms.

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<sup>2</sup> A public link to this video is available here:

[https://www.tiktok.com/@taliacadet/video/7298069835827940654?\\_r=1&t=8n91IyCmhVm](https://www.tiktok.com/@taliacadet/video/7298069835827940654?_r=1&t=8n91IyCmhVm).

<sup>3</sup> A public link to this video is available here:

[https://www.tiktok.com/@taliacadet/video/7283145948199521579?\\_r=1&t=8n91Lfef70g](https://www.tiktok.com/@taliacadet/video/7283145948199521579?_r=1&t=8n91Lfef70g).

*See Multimedia Upload at Cadet Video D.*<sup>4</sup>

6. Around the fall of 2022, I noticed that my TikTok content was resonating with the public and starting to go viral. In response, I started posting more frequently, hoping to grow community on TikTok. I have now amassed over 129,000 TikTok followers, and last year, made about 15 percent of my annual income from brand deals on the app and the Creator Rewards program. This year, I stand to make more. As a first-time homeowner living in an expensive metropolitan area, this supplemental income has given me some financial freedom to enjoy my life and have new experiences.

7. My success on TikTok has also afforded me some incredible and life-changing opportunities. For example, I have been asked to host in-person author talks in my community and in other cities, several for diverse authors. I have also been approached by companies to collaborate with them—for example, Hulu asked me to promote a new series adapting a book that I enjoyed. I have also worked on paid partnerships with some of my favorite Black woman-owned brands, and have even

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<sup>4</sup> A public link to this video is available here:

[https://www.tiktok.com/@taliacadet/video/7188524395273620782?\\_r=1&t=8n91OInCY2h](https://www.tiktok.com/@taliacadet/video/7188524395273620782?_r=1&t=8n91OInCY2h).

been featured in national news media outlets.

8. But even more important to me than the income and other opportunities has been the strong community I created on TikTok. It has been so impactful to connect with book lovers across the country as well as diverse and independent authors and Black-owned and women-owned businesses who are making a difference. I love being able to use my platform to amplify their voices, as well as my own. As a Black woman in her thirties, I know the importance of seeing yourself reflected in culture—and TikTok has created a platform for increased representation. I love following and connecting with other creators who share some of my background and look like me—as well as being a role model for other young Black women on the app. In my experience, TikTok is truly for anyone looking to see people who look and live like them, entertain and educate themselves, and become a better person.

9. I work hard to foster, maintain, and grow this community on TikTok; and enjoy taking advantage of TikTok's tools to do so. For example, I create videos in the TikTok app and also use CapCut to edit my vlogs (video blogs) for posting on TikTok. I enjoy using these products because they feel intuitive and are easy to use to express myself

creatively. CapCut makes it easy to edit videos because the interface is similar to the process in TikTok, so the process feels familiar.

10. I also host a weekly TikTok LIVE every Tuesday night that I call “Talia Talk Tuesdays,” in which my followers tune in for a live conversation with me discussing a list of fun and/or topical issues for the day—everything from what I’m reading and what businesses I’m supporting to sports and entertainment news. During these events, my followers can send in questions and comments that I can respond to in real time. I look forward to this event every week because it gives me a chance to deepen my connection with my followers over topics that are important and entertaining. Thanks to events like these, as well as my consistent posting of TikTok videos, I frequently meet some of my followers in real life—both in Washington, DC and in other U.S. cities and abroad. For example, I met followers in Mexico and South Africa when I was traveling for vacation. That is a testament to the global reach and impact of TikTok. In fact, I am aware that almost ten percent of my TikTok followers live abroad.

11. The kinds of comments that I have received from my TikTok followers remind me every day why I create videos. For example,

followers have told me that my TikTok videos: (1) inspired them and their friends to start a book club; (2) encouraged them to buy products from Black-owned businesses or read books by independent authors that I reviewed; (3) helped them make new friends in DC by following my monthly DC event guides; (4) inspired them as fellow plus-size women; and (5) encouraged them to travel solo after seeing me do it. This is the greatest form of inspiration for me, and makes me so excited to keep creating content on TikTok.

12. I have tried using other social media platforms and have not found the same success or community. For example, while I have over 129,000 TikTok followers, I only have about 9,700 on Instagram, and about 4,100 subscribers to my newsletter. I have found that my success on TikTok has helped fuel some interest in my Instagram account, as well as enabled me to create a weekly newsletter for my fans—but nothing comes close to the organic reach of TikTok to get my content seen by new users who are likely to find it interesting. For example, by using TikTok hashtags like #BlackBookTalk, I am able to instantly tap into a community of followers likely to be interested in my videos reviewing new works by Black authors. Neither Instagram nor the other social media

apps that I have used have had anywhere near the same effect as TikTok.

13. I also find that the nature of my expression is different on TikTok than it is on other apps. The main “For You Page” on TikTok allows longer videos than the main feeds on Instagram (“Reels”) or Facebook (“Stories”), which allows me to have the time to really delve into the details of a good book review or thoughtfully engage in a discussion about celibacy and self-care. For example, Instagram has a 90-second time limit for videos created in Reels, so I could not use this feature to create my longer-form videos. This long-form style of social media encourages me to be a more real and less filtered version of myself and to truly express myself—more so than on the other apps. My experience as a TikTok user is also different than on other apps—on TikTok, I am able to easily discover and learn new things while also personalizing and curating my feed in a manner unique to me.

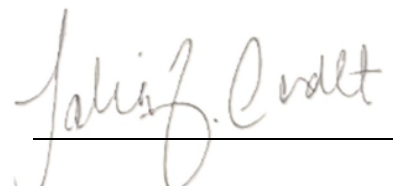
14. A ban on TikTok threatens everything I have built on the platform. There is so much to lose—community, representation, information, livelihoods and freedom of expression. I could not reconstitute my following on other platforms in part because a number of my TikTok followers have told me that they do not use the other leading

social media apps like Facebook or Instagram. Also, despite having posted some similar content on these other apps, I have not seen the same rates of growth and engagement. I am also concerned because, if this can happen to TikTok and its 170 million users, what is next? This law sets a dangerous precedent for the government telling us how to and with whom we can communicate. I cannot stand for that, which is why I'm a part of this lawsuit.

15. Even if TikTok was sold to a U.S. company, I would lose access to my international content and followers, which would limit my reach and shrink my world. I am an avid traveler and have used TikTok in other countries to plan trips and review international destinations and would lose this resource. I do not believe that the experience on the app—that I have come to know and love and which has been fundamental to the community that I built—would stay the same if TikTok was sold to another owner. I have seen how social media products change with new ownership, fundamentally altering both the algorithm and the user experience. For example, when Twitter changed to X, in my opinion, the quality of the advertising decreased and the user experience declined. I have no reason to believe that TikTok would be any different.

I declare under penalty of perjury that the foregoing is true and correct.

Signed in Capitol Heights, Maryland this 18th day of June, 2024.



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Talia Cadet

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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BRIAN FIREBAUGH, CHLOE  
JOY SEXTON, TALIA CADET,  
TIMOTHY MARTIN, KIERA  
SPANN, PAUL TRAN,  
CHRISTOPHER TOWNSEND,  
and STEVEN KING,

*Petitioners,*

v.

MERRICK B. GARLAND, in his  
capacity as United States Attorney  
General,

*Respondent*

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**DECLARATION OF BRIAN FIREBAUGH IN SUPPORT OF  
PETITIONERS' BRIEF ON THE MERITS**

I, Brian Firebaugh, declare as follows:

1. I make this declaration from personal knowledge.
2. I am a first-generation rancher in Hubbard, Texas, where my wife and I own and operate 4F Ranch, where we raise Texas-registered Longhorn cattle for beef and breeding production.
3. After serving in the U.S. Marine Corps from 1999 to 2003, I struggled to find my footing as a civilian. I experienced homelessness and

addiction but eventually obtained treatment through the Department of Veterans' Affairs and got a job working in a hospital. The corporate world, where I spent many hours each day at the hospital, was not for me. From my cubicle, I continued thinking about my lifelong dream to become a rancher.

4. I saved and invested some of the money I earned from the hospital, and in 2015 my wife and I were able to purchase a small plot of land in north Texas. I am the first person in my family to become a rancher, so I was really starting from scratch. In 2020, I had only about 5,000 followers on TikTok and was struggling to develop the business side of the ranch. I was inspired to post about my experiences on the ranch by another TikTok creator who often encouraged people to put energy into their interests and what makes them happy. For me, that is running the ranch, raising cattle, and producing beef.

5. One day, as I was pulling into my driveway, my Longhorns were lying in the road and I could not get through. I decided to start recording, and posted a video on TikTok calling it a "Texas traffic jam." This video generated a lot of views and piqued my interest in creating more content about my ranch. Approximately a year later, I created

another video to dispel the myth that Longhorns are vicious and dangerous—by showing how cuddly one of my cows was and petting her. This video went “viral,” as it was viewed over 72,000 times, which led people to follow me and ask questions about ranching, agriculture, and livestock. *See* Multimedia Upload at Firebaugh Video A.<sup>1</sup> The video and the conversations it sparked fueled an interest in my way of life.

6. From there, I continued to post more content to educate people about maintaining a ranch and raising livestock and to answer my followers’ questions on these topics. *See* Multimedia Upload at Firebaugh Videos B & C.<sup>2</sup> It was easy to learn to create engaging and interesting videos on TikTok, especially using the tools available in the app. I create all of my videos through TikTok because I find the editing experience much easier than on the other social media apps. As a 43-year-old rancher in central Texas, I don’t have time or interest to learn

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<sup>1</sup> In compliance with the Court’s June 3, 2024 Procedures Regarding Submission of Audio or Video Files, the Petitioners have uploaded to the Court’s Box.com file repository a set of TikTok videos as part of the record. A public link to this particular video is available here: <https://www.tiktok.com/@cattleguy/video/6862508558412500230>.

<sup>2</sup> Public links to these videos are available here:  
<https://www.tiktok.com/@cattleguy/video/6995941471702519046>;  
<https://www.tiktok.com/@cattleguy/video/7014165019361348870>.

the more complicated editing tools offered on the other platforms—I like TikTok precisely because it is simple to use.

7. Because of the way TikTok’s algorithm learns about each user’s interests and connects them with new videos and creators, many people with an interest in agriculture and ranching—whether well-established in a long line of family ranchers, just starting out, or not even directly tied to ranching but interested in learning about it as a way of life—end up viewing my content. Videos I post on TikTok will sometimes garner millions of views, while the same video on other platforms may end up with just a few hundred views. For example, I have 443,000 TikTok followers, compared to only about 23,000 on Instagram and only 690 subscribers on YouTube. While I have posted content on each platform, I now focus on TikTok because I have been much more successful there.

8. My wife and I began selling beef to the local community, and particularly in the early stages of the COVID-19 pandemic, I observed that people were very cautious about where their food was coming from. So I used the TikTok platform to show that our ranch was focused on healthy local food production for our community. Marketing and

reputation is everything in ranching, and TikTok allowed us to market our beef and products and build goodwill with customers and the ranching community. For example, when we announce a sale or a new product on the app, TikTok pushes that announcement to people who are interested in the life I live and the products we sell. The alternative on other platforms like Facebook is paid advertising, which is expensive and, in my experience, ineffective.

9. My success on TikTok has also allowed me the opportunity to build community by organizing events to help others—for example, dropping beef off to people in Texas struggling with food security. Similarly, after a series of devastating wildfires in the Texas panhandle, I was able to use the app to raise donations of critical cattle feed and antibiotics to send to ranchers in need. *See Multimedia Upload at Firebaugh Videos D & E.*<sup>3</sup>

10. Being able to connect with the ranching community on TikTok has been incredibly important to me and my family. There are many

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<sup>3</sup> Public links to these videos are available here:

<https://www.tiktok.com/@cattleguy/video/7342261566936501547?q=cattleguy&t=1718323350765>;  
<https://www.tiktok.com/@cattleguy/video/7343825772030725418>.

ranches in Texas and elsewhere run by families who have been in the industry for over a hundred years. They tend to close ranks and be wary of outsiders. But I have been able to use TikTok to build connections with many of these ranchers. For example, I have developed a relationship with the family that runs a historic Texas ranch that was breaking colts during the Civil War. We met through following each other's content on TikTok and then met in person. Having that kind of access to this historical group, and being able to receive and pass along mentorship and guidance, has meant everything to me and would not have been possible without TikTok.

11. In addition to building a valuable community on TikTok, I was also able to quit my job at the hospital and focus full-time on running the ranch and creating more content to drive education about the magnificent breed of Longhorn cattle. I now earn most of my income through selling my ranch products promoted on TikTok. I also occasionally host TikTok LIVE videos, which give viewers the opportunity to "tip" me. The visibility I achieve on TikTok cannot be matched elsewhere. For example, when I post on TikTok about farmers' markets that we will be attending, we get people coming from all over the

state and even other states to see us.

12. My success on TikTok has also led to some other life-changing opportunities for me. Recently, producers of a Netflix game show called “The Trust” contacted me because of my presence on TikTok. I ended up going on the show and winning almost \$80,000. With my winnings from the Netflix show, my wife and I were able to pay for the costs associated with adopting our son. We never would have been able to accomplish that without those winnings, and that has resulted in the greatest gift of our lives.

13. We have chosen to care for our young son at home rather than send him to daycare. We value the time and opportunity to teach him at home about our values and our way of life on the ranch. I love that I get to spend so much time with my son. The money that I have been able to earn through TikTok and selling my products marketed on TikTok have allowed me that opportunity, because otherwise, I would be forced to accept jobs off of the ranch.

14. I am extremely worried about how a ban of TikTok would impact me. Without access to TikTok, I would sell our ranch; we do not have any remotely equivalent means to market our products, and while

we have gained a following through TikTok, we do not have the resources of multi-generation ranchers. I fear needing to get a different job, which would take me out of the house and require me to pay for daycare for our son rather than raising him at home and spending time with him. And I would lose the most important tool for helping my community and learning from and mentoring other ranchers. If you ban TikTok, you ban my way of life.

15. Unfortunately, I have already started to see the effects of the Act since President Biden signed it in April of 2024. I noticed I lost some TikTok followers and saw a decline in the rate of new followers. I have had at least one person who was a dedicated follower tell me that he is now convinced that it is dangerous or harmful to keep his TikTok account because the government saw fit to ban it. I have to plan for the worst, and have had to take some preliminary steps to continue the forward momentum of my ranch and prepare for the possibility that I will lose my livelihood.

16. The existence of other social media platforms such as Instagram and Facebook does not make me any less concerned about the Act. Those platforms are fundamentally different, and I have spent years

learning about TikTok and how it operates. As a result, I make videos with TikTok and my TikTok followers in mind. I choose certain structures and editing tools because I know what will best carry my message and resonate with other users. There would be no way for me to simply transfer it to another platform. I would be set back years, forced to learn how to best express myself on a completely different platform—one that is not my choice.

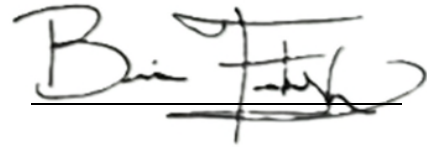
17. I also have followers from all over the world, including other countries with large ranching communities, such as Canada, Australia, New Zealand, and Sweden. I am concerned that the Act will cause me to lose contact with these groups, even if a version of TikTok is permitted to operate in the United States because it would be a separate platform from the one used in other countries.

18. Aside from my viewpoint as a rancher, as a citizen and a veteran, I find it really troubling that the government is forcing this ban on TikTok on the American people, which I believe is a gross violation of our First Amendment rights. Our rights will be violated even if the app is sold. First, because TikTok itself is saying that it won't be possible to simply resume operation of the same app and the same algorithm under

new ownership. Also, the culture of the app will heavily depend on its new owner, and in the event the app gets purchased by a party who is interested, for example, in pushing their own narrative instead of running a successful, unbiased, and accessible social media platform, the unique culture of TikTok will be ruined. It will not be the same app.

I declare under penalty of perjury that the foregoing is true and correct.

Signed in Hubbard, Texas this 18th day of June, 2024.

A handwritten signature in black ink, appearing to read "Brian Firebaugh", written over a horizontal line.

Brian Firebaugh

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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BRIAN FIREBAUGH, CHLOE  
JOY SEXTON, TALIA CADET,  
TIMOTHY MARTIN, KIERA  
SPANN, PAUL TRAN,  
CHRISTOPHER TOWNSEND,  
and STEVEN KING,

*Petitioners,*

v.

MERRICK B. GARLAND, in his  
capacity as United States Attorney  
General,

*Respondent*

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**DECLARATION OF STEVEN KING IN SUPPORT OF  
PETITIONERS' BRIEF ON THE MERITS**

I, Steven King, declare as follows:

1. I make this declaration from personal knowledge.

1. I live in Buckeye, Arizona with my husband.

2. I have a background in healthcare administration and worked for many years running a nursing home and caring for senior citizens.

While I enjoyed this career, I always felt that I was meant to be in a more creative field, such as entertainment—however, this did not feel like a

practical or attainable goal.

3. I started creating videos on TikTok in 2019 and immediately fell in love with the process. TikTok gave me the creative outlet that I had been craving my whole life, and provided me with a powerful platform to connect with and entertain others. My TikTok videos started gaining a lot of audience engagement, and I saw the potential for this hobby to become a career. In order to build and foster this potential, I began posting videos consistently several times a day—often humorous lip-syncing videos or thoughts from my daily life.

4. Eventually, my content grew such a large following that I was able to quit my job in healthcare and become a full-time creator. I now have 6.8 million TikTok followers and feel so fortunate to be able to do what I love every day—creating fun, inspiring, and entertaining content, while connecting with others all over the globe. I post videos on a lot of different topics relevant to my daily life, including, for example, fashion and beauty products, travel, food, my relationship, friendships, and dogs. *See, e.g., Multimedia Upload at King Video A.*<sup>1</sup> It is no exaggeration to

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<sup>1</sup> In compliance with the Court's June 3, 2024 Procedures Regarding Submission of Audio or Video Files, the Petitioners have uploaded to the Court's Box.com file repository a set of TikTok videos as

say that TikTok completely changed my life and opened up my world.

5. TikTok has an astonishing ability to create community. The platform encourages authentic expression—in contrast to many other social media apps that promote fakeness or filtering reality to appear perfect. Because of this encouragement, I have been able to be very vulnerable on TikTok and discuss deeply personal stories about my life—in addition to my more entertaining content.

6. For example, I made a series of TikTok videos about my traumatic childhood, explaining how my parents divorced when I was three, and I grew up on welfare. *See, e.g.,* Multimedia Upload at King Videos B & C.<sup>2</sup> Then, starting at age 12, I was in and out of a boys' home for troubled youth, spent time locked up in a juvenile custody center, and later lived in a group home. The amount of love and support that I received from my TikTok followers in response to these videos was immense and made me feel so grateful to be a part of this community. I

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part of the record. A public link to this particular TikTok video is also available here:

<https://www.tiktok.com/@btypep/video/7358586308920560942>.

<sup>2</sup>Public links to these TikTok videos are also available here:

<https://www.tiktok.com/@btypep/video/6946671894703656198?lang=en>;

<https://www.tiktok.com/@btypep/video/6949560195374648582?lang=en>.

am hopeful that sharing these memories helped educate others about what it is like to live in institutional homes for children.

7. I have also used TikTok to discuss my experience as a gay man living in Arizona, my loving 28-year relationship with my husband, and my sobriety journey. My TikTok followers especially love to ask questions during my TikTok LIVE-streams about my experience coming out as gay and about my marriage. I see it as my responsibility to share my experiences in the hopes that it might help others who may be struggling with certain issues such as embracing their identities and living confident, healthy lives. I have not experienced these same kinds of real and vulnerable conversations on other social media apps—something special about TikTok allows people to be themselves and seek out information that interests them. Additionally, many of the TikTok users asking me questions like these are Gen Z or young millennials—many of whom seem to use TikTok more than Facebook or Instagram.

8. My community on TikTok extends far beyond the United States. For example, I have followers in the United Kingdom, New Zealand, South Africa, and the Philippines. During recent trips to Mexico, Israel, Greece, Morocco, and France, I met many of my fans in

person. I enjoy interacting with my global audience, and meeting some of my fans in person was an incredible experience.

9. I make almost all my income from TikTok, including from the TikTok Creator Rewards Program, LIVE videos, and brand deals. At times, I have earned about \$2,500 for just one LIVE stream. My success on TikTok has also opened up many opportunities for me, such as becoming a published author and being honored at the Cheer Choice Awards, which recognizes creators on social media who are making a positive impact using their platforms.

10. I have not had anywhere near the same success on other social media platforms like Instagram, Facebook, or YouTube, despite posting content on them. While I have approximately 6.8 million followers on TikTok, I only have about 228,000 on Instagram, 137,000 on Facebook, and 16,100 on YouTube. These other apps have not helped my content to go viral in the same way that TikTok has, nor have I been able to establish the same sense of community among my followers. The manner in which TikTok curates content allows for a more real and authentic experience than the other apps, which fosters vulnerability and connection.

11. I also enjoy consuming content on TikTok. For example, I do not watch television, so I get all of my news from TikTok, including both national and global news. I follow certain local and international TikTok creators who are journalists that I trust to produce unbiased and authentic news. I also follow other content creators whom I find creatively inspiring and enjoy using TikTok for entertainment.

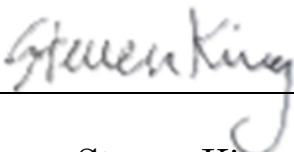
12. If TikTok is banned in the United States, I would immediately lose the career and community that I have worked so hard to build and would probably have to go back to working in healthcare administration. I have not been able to build the same community on other social media platforms, nor have I been able to monetize my content to the same extent. I would be extremely saddened to lose my community and the place where I have come to feel so at home in expressing myself creatively and engaging with others.

13. Even if TikTok was still available in the U.S. but divested from the rest of ByteDance, I would lose my international support and fan base. I love interacting with my international fans and visiting them abroad—it opens my world and exposes me to knowledge and culture outside my own.

14. I do not believe that the TikTok experience would remain the same even if the app were sold. A platform's owner can exert significant control over the user experience. I believe that if TikTok and its algorithm was sold to a U.S. investor, the entire platform will change because the new owner will make decisions that will adversely affect the user experience, just like other apps have done. Right now, TikTok is special and unique precisely because it allows for a free-flowing and authentic user experience, unlike the other apps.

I declare under penalty of perjury that the foregoing is true and correct.

Signed in Buckeye, Arizona this 17th day of June, 2024.

  
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Steven King

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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BRIAN FIREBAUGH, CHLOE  
JOY SEXTON, TALIA CADET,  
TIMOTHY MARTIN, KIERA  
SPANN, PAUL TRAN,  
CHRISTOPHER TOWNSEND,  
and STEVEN KING,

*Petitioners,*

v.

MERRICK B. GARLAND, in his  
capacity as United States Attorney  
General,

*Respondent*

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**DECLARATION OF TIMOTHY MARTIN IN SUPPORT OF  
PETITIONERS' BRIEF ON THE MERITS**

I, Timothy Martin, declare as follows:

1. I make this declaration from personal knowledge.
2. I live in Mayville, North Dakota, where I coach football at a state university. I played football as a quarterback at this same university before graduating and becoming a coach.
3. I attended college from 2018 to 2022, and took classes remotely during the Covid-19 pandemic. In 2020, during one of my

technology classes, my professor discussed the integration of social media and sports, which inspired me to try creating videos about sports on TikTok.

4. From the moment I made my first video, I found the process to be extremely fun and fulfilling—giving me an outlet for my creativity and allowing me to connect with people around the world over our love of sports. Especially during the isolation of the pandemic, creating TikTok videos was a way for me to express myself and connect with others virtually when I could not do so in person.

5. My TikTok videos primarily cover news in the world of college and professional football, including game recaps, player trades, coaching updates, team rivalries, stadium tours, sports history, and behind-the-scenes stories about teams or players. I also try to use my videos as an opportunity to spread positivity and joy, focusing on building others up and giving them something to look forward to.

6. Since 2020, I have consistently posted these videos on TikTok and have seen my content gain remarkable traction, to the point I now have one million followers on the app and some of my videos receive millions of views.

7. I have tried posting the same content on Instagram and YouTube, but have not had anywhere near the same success. On Instagram, I have approximately 10,200 followers, and on YouTube I have only 9,160 followers. In my experience, TikTok gets my videos in front of the viewers who are most likely to enjoy it—namely, sports fans—which has allowed me to grow a genuine and supportive following and reach many more people than on the other apps. On Instagram and YouTube, my videos do not seem to reach as many people, especially not new viewers and sports fans.

8. TikTok also seems to be able to get my content in front of different user communities. For example, I noticed that recently some Taylor Swift fans have discovered my TikTok account, which I suspect relates to the singer's relationship with Kansas City Chiefs' star, Travis Kelce, and a video I created to introduce football to Swift fans. *See* Multimedia Upload at Martin Video A.<sup>1</sup> Overall, I think of TikTok's

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<sup>1</sup> In compliance with the Court's June 3, 2024 Procedures Regarding Submission of Audio or Video Files, the Petitioners have uploaded to the Court's Box.com file repository a set of TikTok videos as part of the record. A public link to this particular TikTok video is also available here: <https://www.tiktok.com/t/ZPRKTw5vu/>.

algorithm as a smart TV, compared to the other apps' algorithms as old flat screen TVs, because TikTok seems to know much better than the other apps where to send my videos to allow them to have the most impact.

9. I really enjoy using the video editing app CapCut to create my TikTok videos. CapCut allows me to easily edit my videos and apply certain unique features that create a fun viewing experience. For example, I developed a signature style for sports commentary videos where I play sports footage in the background while using CapCut's green-screen feature to display my head overlaying the footage while I narrate the scene. *See* Multimedia Upload at Martin Video B.<sup>2</sup> I also often use CapCut's real-time text feature (which captures the narration and transforms it into readable text) along with my narration so viewers can read along, which is especially helpful for hearing-impaired users. *See* Multimedia Upload at Martin Video C.<sup>3</sup> CapCut makes the video

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<sup>2</sup> A public link to this TikTok video is also available here:

<https://www.tiktok.com/@timbosliceoflife12/video/7184163936453856554>

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<sup>3</sup> A public link to this TikTok video is also available here:

<https://www.tiktok.com/@timbosliceoflife12/video/7329317079184608554>

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editing process extremely user friendly. I do not believe that I could create the exact same effects—or express myself the same way—using a different application.

10. Because of the success of my TikTok videos, I have been able to earn as much as \$4,000 to \$5,000 each month, primarily from the TikTok Creator Rewards Program as well as some brand deals and gifts from TikTok Live. On average, this more than doubles the income that I am able to make as a new college football coach and allows me to continue doing what I love to do without financial stress.

11. The community I have grown on TikTok is even more valuable than the financial rewards. I have made so many wonderful connections through creating sports videos on the app. For example, a lot of former and current collegiate athletes follow my TikTok account, and I have even inspired some of them to start creating their own content. I try to spend at least a little time on TikTok every day liking or commenting on their videos. I also use the app for news about other sports like baseball and some news about politics, which I find to be more unbiased and authentic than on mainstream media.

12. I have a lot of international TikTok followers, and really enjoy engaging with them. For example, about 3.9% of my followers are from the United Kingdom, 3.5% from Canada, and I also have followers in Australia, Germany, and South Africa. I have some followers in Ireland who are very passionate about American football. Because the sport is not really covered in Ireland, these followers rely on my TikTok account to get their football news. They often watch my evening TikTok LIVE, in which I do a real-time video every night where users can interact with me and ask questions about sports news. Recently, these followers were very excited that two American universities will be playing a college football game in Dublin, and we got to discuss the topic over TikTok.

13. My success as a TikTok creator has also given me life-changing opportunities. For example, because of the following that I have amassed on the platform, I was invited to attend March Madness games—college-level basketball end-of-season playoffs—and make behind-the-scenes videos interviewing players in the locker rooms. I was also invited to attend Media Row—a preview of the Super Bowl—as a member of the press and got to meet a number of players from my favorite team, the Philadelphia Eagles. Some of these players and their family

members now follow me on TikTok. Because of the connections that TikTok has afforded me, I hope to be able to continue my career in the sports world whether through coaching or sports broadcasting.

14. A ban on TikTok would be devastating. As a former athlete, I struggled to define myself after I stopped playing sports—but creating content on TikTok gave me a new sense of purpose and helped strengthen my positivity and resilience. Losing TikTok would detrimentally affect me and many other former athletes who also rely on content creation to help them rediscover their voices after they stop playing sports. I would also lose access to the incredible community that has come to mean so much to me and to the supplemental income and opportunities that TikTok has afforded me over the years.

15. I do not believe that I would be able to replicate the same community on other social media platforms, as my experience on those platforms has been so different. Because my videos do not get anywhere near the same reach on YouTube and Instagram, I would also likely need to spend money to promote my content (*i.e.*, through the “promote” feature on Instagram), which would still probably not reach the same audience. In 2020 when former President Trump attempted to ban

TikTok, I asked my followers to follow me on Instagram and other platforms instead, but to this day, I still only have a fraction of the number of TikTok followers on other apps. Without the same community or financial benefits, I may stop creating content on social media entirely.

16. Even if a U.S. version of TikTok was still available, I would lose my international support and fan base. I really enjoy interacting with my international fans and discussing football with people living all over the world. Additionally, I am aware that the National Football League (“NFL”) is trying to promote American football more internationally—especially in some of the countries where my videos are popular, like the United Kingdom—and I love that my content helps to further that goal. It would be very disappointing if I was no longer able to interact with this global community on TikTok.

17. Other college football coaches and I used to use Twitter (now “X”) to communicate, but we have seen this app become a shell of its former self since Elon Musk acquired it. In particular, X no longer allows the public to see who “likes” certain content, and also limits the number of direct messages that unverified accounts can send per day, restricting the ability to communicate and engage. I worry that even if TikTok was

acquired by another company, my experience on the app and my ability to share information, express myself, and create community would be negatively impacted by decisions made by the new owner. Right now, TikTok is the best platform out there for me to express myself, and I don't want that to change.

18. I also worry about the Act as an American who cares about the First Amendment. While I am not very involved in government, my family ancestors include John Adams and John Quincy Adams, and one of my family members has run for political office. I have been raised with a deep respect for American values and freedom of speech, and the Act seems to violate the fundamental principle that Americans should be allowed to express themselves where and how they choose.

I declare under penalty of perjury that the foregoing is true and correct.

Signed in Mayville, North Dakota this 17th day of June, 2024.

A handwritten signature in black ink, appearing to read 'Timothy Martin', written over a horizontal line.

Timothy Martin

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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BRIAN FIREBAUGH, CHLOE  
JOY SEXTON, TALIA CADET,  
TIMOTHY MARTIN, KIERA  
SPANN, PAUL TRAN,  
CHRISTOPHER TOWNSEND,  
and STEVEN KING,

*Petitioners,*

v.

MERRICK B. GARLAND, in his  
capacity as United States Attorney  
General,

*Respondent*

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**DECLARATION OF CHLOE JOY SEXTON IN SUPPORT OF  
PETITIONERS' BRIEF ON THE MERITS**

I, Chloe Joy Sexton, declare as follows:

1. I make this declaration from personal knowledge.
2. I live in Memphis, Tennessee with my husband, children, and minor sister, of whom I have legal guardianship.
3. In 2020, I was let go from my job after telling my employer that I was pregnant. At the time, I was also struggling to care for my mother, who was dying of brain cancer, and my seven-year-old sister. I

started creating TikTok videos around then as a creative outlet and means to financially support my family.

4. My videos focused on dealing with the grief of seeing a loved one dying from cancer, the joys and struggles of parenting a newborn, and my love of baking. *See, e.g.,* Multimedia Upload at Sexton Video A.<sup>1</sup> I also started talking about my idea of launching a business making giant cookies in all kinds of flavors.

5. While I expected TikTok to be an entertaining creative outlet, I never could have anticipated the overwhelming sense of community and support that I get from interacting with my followers and other TikTok creators during this trying time in my life. My videos went viral, and I eventually amassed over two million followers, including people from all over the world. This community has supported me emotionally, made me laugh when I needed it the most, and given me knowledge to navigate some of my challenges.

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<sup>1</sup> In compliance with the Court's June 3, 2024 Procedures Regarding Submission of Audio or Video Files, the Petitioners have uploaded to the Court's Box.com file repository a set of TikTok videos as part of the record. A public link to this TikTok video is also available here:

<https://www.tiktok.com/@chloebluffcakes/video/7332548686473514286>.

6. For example, when my mother eventually passed away, I connected with followers from all over the world, especially women who were dealing with grief in many forms—losing mothers, children, and livelihoods. Some of my European TikTok followers informed me about bereavement therapy, which I found helpful for coping with my grief.

7. When I took guardianship of my little sister, I turned to my TikTok community for everything from how to cut her bangs to how to throw a tea party. In fact, when I threw my little sister a birthday party (her first birthday without our mom), hundreds of my TikTok followers—whom we had never met—showed up, dropping off gifts, decorations, and even brought a horse for pony rides. *See Multimedia Upload at Sexton Video B.*<sup>2</sup> This event went viral and even caused the famous singer, Kelly Clarkson, to reach out and ask to meet me and my sister. The power that TikTok has to create moments like this never ceases to amaze me.

8. Because of the support I received from my TikTok followers, I was able to open my giant cookie business, Chloe's Giant Cookies. My team and I have now shipped hundreds of thousands of cookies all over

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<sup>2</sup> A public link to this TikTok video is also available here:  
<https://www.tiktok.com/@chloebuffcakes/video/7118846290515201326>.

the world and baked custom orders for celebrities. I was even able to publish a cookbook and open a physical bakery for a few years—although I am now focusing more on online orders. I also generate income from the TikTok Creator Rewards program and brand deals on the app.

9. I continue to create TikTok videos documenting my baking process—everything from explaining how I came up with a new flavor to showing the behind-the-scenes of running a local business. These videos have strengthened my TikTok community and generated incredible brand loyalty for my cookies. I have found that the public wants to connect with the stories of the people who make their products instead of just buying from faceless corporations, and TikTok allows me to get my story out there in front of millions of people.

10. I enjoy creating videos in the TikTok app because the process is simple and intuitive. I use TikTok LIVE several times a week, which allows me to interact with my followers in real time and answer customer questions. I enjoy “going live” to share updates on everything from the cookie business to milestones in my children’s lives to coping with grief and figuring out next steps—and to answer questions and receive feedback from my followers in real time. Because of the close-knit

community that I have developed on TikTok, I feel comfortable being vulnerable and expressing myself on the app, which is not the same experience I have had on other social media platforms, where there is more pressure to filter and sanitize one's life to convey an unrealistic image of perfection.

11. The TikTok app also has certain tools that foster community, such as a separate "Friends Page" for users to connect specifically with people whom they follow. This allows me a unique channel to connect more deeply with other bakers and small-business owners and creators. For example, I have used this page to ask for advice on how to find work-life balance as a fellow creator.

12. I have tried posting my TikTok videos on Instagram, but have not had anywhere near the same success. While I have 2.2 million followers on TikTok, I only have about 85,000 on Facebook, and about 50,000 on Instagram, despite posting content on each platform. In fact, for approximately the past year, I have posted the exact same videos on all three platforms, but they have performed much better on TikTok. For example, I posted a video on June 3, 2024 on TikTok about my attempt to make cookie butter, and it got approximately 5.4 million views,

compared to about 500,000 on Instagram and about 1,900 views on Facebook. *See* Multimedia Upload at Sexton Video C.<sup>3</sup> I believe this success is related to TikTok's ability to get my content in front of new viewers and specific communities that are most likely to resonate with it—such as mothers and other baking aficionados. Instagram and Facebook, by contrast, seem better suited for sharing my content with people I already know—such as friends, family, and neighbors—instead of exposing it to a diverse group of people I have never met from all over the world.

13. A ban on TikTok would greatly impact me. I would be stripped of the vibrant community of TikTok followers who have consistently supported me throughout grief and the early days of parenthood, as well as celebrated my successes. I worked very hard to build this community, and could not replicate it on other platforms, as I have already tried and failed to do.

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<sup>3</sup> A public link to this video is available here: <https://www.tiktok.com/t/ZPRK71Cpj/>. A public link to the same video on Instagram is available here: <https://www.instagram.com/p/C7xUJIUA092/>. The same video is also available on my Facebook page here: <https://www.facebook.com/chloesgiantcookies/>.

14. If TikTok was no longer available, I also would have to find another source of income and a different way of communicating to the public about my cookie company. I cannot think of a replacement for the free platform that TikTok provides me for sharing the intimate details of running my small business (as well as my personal life) that have created such a large and loyal brand following. Because my videos do not get anywhere near the same reach on Instagram or Facebook, I would likely need to rely on spending money to promote my content, which would still probably not get it in front of the same audience. As the owner of a small business, I don't have the capital needed to effectively promote the company through traditional marketing streams to anywhere near the same level that TikTok affords me for free. I worry that, without TikTok, I may well have to close the cookie business that has brought me so much joy and fulfillment these past few years.


15. Even if a U.S. version of TikTok were still available, I would lose access to my international followers. Interacting with women, mothers, and others from other countries has given me valuable insights and information over the years. I also enjoy consuming content from

abroad for entertainment purposes. If I could only interact with other Americans, my world would be much smaller.

16. I do not agree with the government's stated justifications for the Act. I do not feel unsafe when I use TikTok—if anything, this law makes me feel unsafe by directly threatening my future and the community I have worked so hard to build.

I declare under penalty of perjury that the foregoing is true and correct.

Signed in Memphis, Tennessee this 18th day of June, 2024.

A handwritten signature in black ink, appearing to read "Chloe Joy Sexton", is written over a horizontal line.

Chloe Joy Sexton

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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BRIAN FIREBAUGH, CHLOE  
JOY SEXTON, TALIA CADET,  
TIMOTHY MARTIN, KIERA  
SPANN, PAUL TRAN,  
CHRISTOPHER TOWNSEND,  
and STEVEN KING,

*Petitioners,*

v.

MERRICK B. GARLAND, in his  
capacity as United States Attorney  
General,

*Respondent*

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**DECLARATION OF KIERA SPANN IN SUPPORT OF  
PETITIONERS' BRIEF ON THE MERITS**

I, Kiera Spann, declare as follows:

1. I make this declaration from personal knowledge.
2. I recently graduated from college in Delaware, and moved to Charlotte, North Carolina, where I work in fundraising.
3. In 2020, I was studying political science in college and learning about the American government and political concepts in a more straight-forward way than I had seen presented in the media. I started

creating TikTok videos around this time to share thoughts and insights with the public in a format that was easy to understand. I found it incredibly rewarding to bring bipartisan information to the public in a digestible way so that everyone could understand politics and vote in an informed manner. My content resonated with others, and by the end of 2020, I had acquired approximately half a million TikTok followers.

4. The next year, when I was a sophomore in college, one of my classmates experienced a brutal assault in which she was choked unconscious, blinded with spray paint, and thrown down a flight of stairs by another student. I felt that the university failed to adequately address this crime, so I attended a small protest of about 50 people that some of my classmates organized after the victim was released from the hospital. At the event, I was horrified to see observers laughing and a heavy police presence. I started filming the event and posted it on TikTok.

5. That video received about nine million views and was covered by major national news stations. It brought much-needed attention to an incident that the university—in my opinion—was trying to sweep under the rug. I also organized a second protest that was attended by over 1,000 people in the Newark area. Ultimately, the perpetrator was held

accountable in court and my community undertook meaningful reforms, results which I credit (at least in part) to the exposure flowing from my video and the resulting media coverage. For example, the university repaired broken safety lights on campus, and university law enforcement upgraded the emergency alert system to include off-campus sexual violence. Additionally, some fraternities required their members to have closed cans available at their parties to avoid the possibility of drugging party-goers' beverages. I was also able to start survivor support groups and had conversations with state legislators about potential Title IX safety reforms in Delaware. I was amazed to see the power of TikTok to inspire and accelerate real change in my community.

6. I continue to create videos on TikTok to support survivors of domestic violence and sexual assault and to advocate for reforms in this area. As a survivor of assault myself, this topic is very important to me. I am fulfilled by using TikTok for purposes such as spreading the reforms we enacted at my university to other schools. I also continue to create TikTok videos about news and politics and now partner with a variety of non-profits to spread awareness about issues such as criminal justice

reform and healthcare access. Finally, I use TikTok for entertainment and to post reviews of books that I'm reading.

7. The survivor community that I have found on TikTok is unlike anything I have ever experienced. I have connected with survivors and advocates all over the world—bonding over and grieving our shared experiences while learning from our differences. For example, almost 20 percent of my followers are from outside the United States—many in the United Kingdom, Canada, and Australia. I receive numerous TikTok messages from women in these and other countries, sharing their stories of pain, resilience, and change. Some young women reach out to me to ask for advice about what they can do to make their college campuses safer. And other times, when I post a video on TikTok about a particular assault, my comment section explodes with sympathy and empathy for the survivor and others sharing their own similar experiences.

8. I have not been able to develop this kind of community on any other social media app. Some other apps make it very difficult to talk about issues such as sexual assault by flagging such videos as violating community standards or terms of service—even when they are not graphic or descriptive. This makes it all but impossible to create an

organic community among survivors where they can process their experiences without having to resort to code words or self-censorship. On TikTok, by contrast, I am able to consistently connect with the survivor community, and some of my videos about supporting survivors or changing policies around assault and domestic violence have been my most widely viewed.

9. I have tried posting the same or similar content on other apps, but have not had anywhere near the same success. While I have over 770,000 followers on TikTok, I only have about 9,200 on Instagram and just 741 on YouTube. I consistently get far greater engagement on TikTok and exposure to new viewers who are likely to find my content interesting. TikTok also allows me to monetize my content, which I cannot currently do on Instagram with my number of followers. I make approximately half of my income from creating videos on TikTok (either through the Creator Rewards Program or brand deals), although my first priority has always been helping to grow and strengthen my community.

10. Around the time of former-President Trump's 2020 executive order banning TikTok, I asked my TikTok followers to start following me on other social media platforms. However, I only got a few hundred

additional followers on Instagram, even though I had about half a million followers on TikTok at the time. I know it would be practically impossible to create the same following and community on another platform.

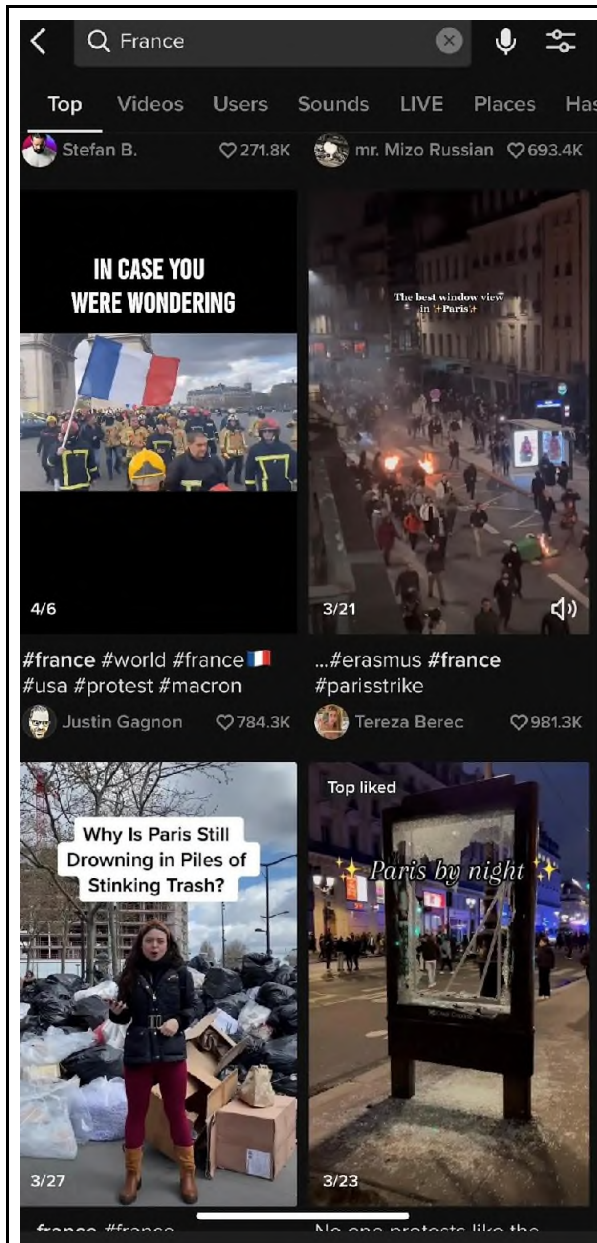
11. One of the practical things that I love about TikTok is how easy it is to edit my videos either in the TikTok app or using CapCut, another app that focuses on video editing and features. I can edit and upload a TikTok video in a matter of minutes—whereas it usually takes me hours to edit a YouTube video. Some of the video editing tools in other apps are not user-friendly, but TikTok and CapCut make it very easy to get my speech out there.

12. I also enjoy using certain TikTok tools like adding pictures and screenshots to my videos (which allows me to reference and comment on them while I narrate in the foreground). *See, e.g.,* Multimedia Upload at Spann Video A.<sup>1</sup> And I sometimes use the TikTok LIVE feature if I want to connect with my followers in real-time over some breaking news.

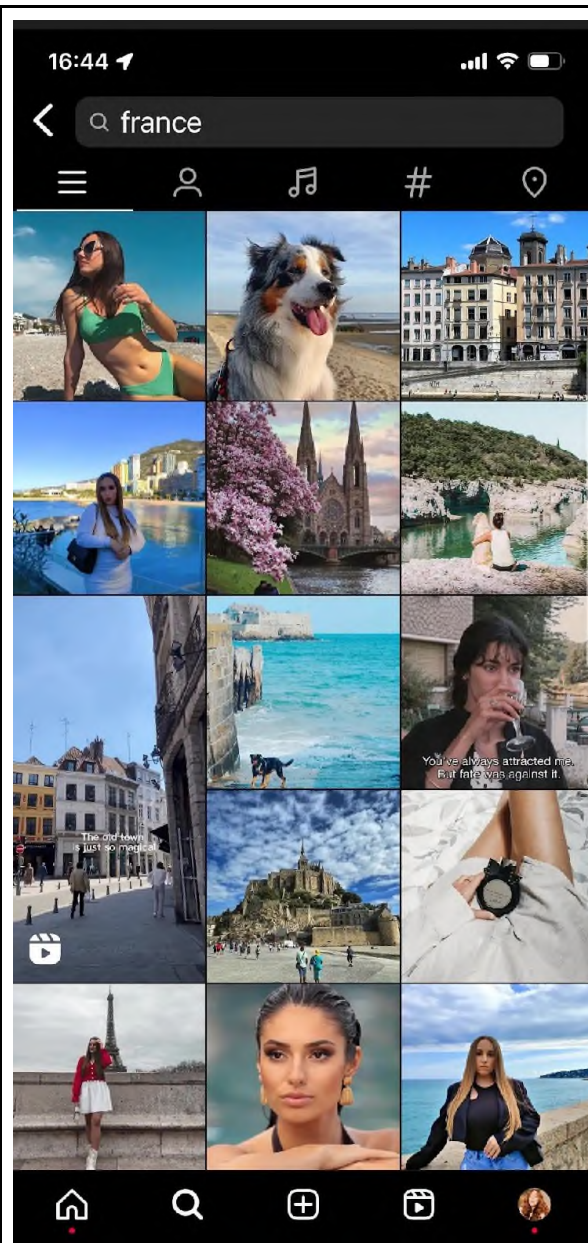
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<sup>1</sup>In compliance with the Court's June 3, 2024 Procedures Regarding Submission of Audio or Video Files, the Petitioners have uploaded to the Court's Box.com file repository a set of TikTok videos as part of the record. A public link to this particular TikTok video is also available here: <https://www.tiktok.com/@famousblonde/video/7327088157323824427?lang=en>.

13. I also enjoy consuming content on TikTok. I often watch content on TikTok accounts dedicated to covering news, political education, and books, as well as on the accounts of other sexual assault survivors. I find TikTok to be one of the most authentic and timely sources where you can hear diverse and organic perspectives instead of the more curated and potentially biased accounts from mainstream media and even from other social media platforms. For example, during the April 2023 protests in Paris over the retirement age, French TikTok creators shared powerful on-the-ground footage of the protests and interviews with other French citizens about the retirement issue. When I searched for “France” on my TikTok account during this time, this kind of valuable footage popped up. But when I searched for “France” on Instagram during the same time period, the leading results were of the Eiffel Tower and other tourist content. This is just one example of how TikTok provides a more authentic, realistic, and organic experience than the other apps. Below are true and correct screenshots comparing these images that I saw on TikTok (left) as compared to Instagram (right) as of April 21, 2023.



TikTok



Instagram

14. I find TikTok to be the most timely place to learn about current events. I always hear about news from TikTok first—it can

sometimes be days or even longer before news on TikTok trickles down to the other social media platforms. The virality of TikTok and its ability to send speech out to broad audiences with incredible speed is unparalleled.

15. A ban on TikTok would impact me very much, as I would lose my ability to share information and perspectives with hundreds of thousands of people around the country and the world. The Act would thus deprive me of access to a critical forum for connecting with the communities that I have carefully cultivated over the past few years, especially the sexual assault advocacy community. The Act would also be an enormous hindrance to the work I do in advocating for further reform—such as trying to implement the changes from my university at other schools.

16. Even if TikTok was still available in the U.S. but sold to another company, I would still be affected because I would lose my ability to connect with and learn from the international community, which is a big part of my TikTok experience. I also worry that, if forced to divest, TikTok's new owner may make changes to the app that will fundamentally alter my experience—just as we saw happen when Elon

Musk bought Twitter. Twitter used to be a great space to obtain information; now, it is a nightmare to use because the algorithm was altered and I see content on the “For You Page” that I do not like or find interesting. This shows how much a new owner of a platform can change the programming of the product and thus, the public’s experience of the app.

17. For example, right now, TikTok is unique because it does not allow paid advertising by individual politicians—thus, the main political content on the app is created and controlled by users. If TikTok’s new owner started allowing more paid political advertising, then the algorithm would be subject to the agendas of any number of politicians.

18. I do not find the government’s stated justifications for the Act to be compelling. To me, it seems clear that the Act is not about data security—if it was, then Congress would have passed a law affecting all technology platforms, not singling out TikTok. Rather, I think the Act is about control, and the government passed it because they are scared of how much power TikTok gives American citizens to amplify their voices and have their stories and opinions heard. It would be devastating for our democracy to ban such a tool.

I declare under penalty of perjury that the foregoing is true and correct.

Signed in Charlotte, North Carolina this 18th day of June, 2024.



Kiera Spann

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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BRIAN FIREBAUGH, CHLOE  
JOY SEXTON, TALIA CADET,  
TIMOTHY MARTIN, KIERA  
SPANN, PAUL TRAN,  
CHRISTOPHER TOWNSEND,  
and STEVEN KING,

*Petitioners,*

v.

MERRICK B. GARLAND, in his  
capacity as United States Attorney  
General,

*Respondent*

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**DECLARATION OF CHRISTOPHER TOWNSEND IN SUPPORT OF  
PETITIONERS' BRIEF ON THE MERITS**

I, Christopher Townsend, declare as follows:

1. I make this declaration from personal knowledge.
2. I live with my family in Philadelphia, Mississippi.
3. I served in the U.S. Air Force for six years as a cryptologic language analyst. I am deeply patriotic, and my political views are informed by my time in the Air Force and the respect that I have for others who have done and continue to do the same.

4. Today, I run a registered non-profit called Stay in That Word Ministries, which I founded to promote biblical literacy through fun and interactive quizzes. I am also a successful hip-hop artist, and I write, record, and perform music to express my spiritual beliefs and my conservative political views.

5. I was inspired to join TikTok in 2019 because I was experimenting with video editing and wanted to try making videos with TikTok's green screen feature. From the beginning, I found that TikTok's unique features and tools allowed me to express my ideas creatively. TikTok's editing tools were especially conducive to creating videos sharing my views on politics and current events. For example, one of the first videos I made and shared was a "rebuttal" to a video I saw by another TikTok user discussing then-President Trump's policy proposal to limit food stamps. I believe that TikTok users benefit from hearing differing points of view, so I responded to the video using the "stitch" tool, which allowed me to play a segment of the original video and then add my commentary. I received a lot of positive and encouraging comments from people who agreed with me, so I began to post more videos responding to and commenting on articles, news stories, and current

events. I would not have been able to create such engaging videos on other social media platforms in part because at the time they lacked some of the same editing capabilities. Even today, while other social media apps have tried to mimic TikTok's editing tools, I find the experience on TikTok to be much more natural and intuitive.

6. My experience on TikTok has differed from my experience on other social media platforms in other important ways. I was used to being overwhelmed with vitriol in response to my political posts on other platforms, such as on Facebook and Instagram. But on TikTok, my videos quickly started gaining traction with other users on the app. With TikTok's distinct culture allowing me to speak freely and share my authentic opinions, I began to connect with people from all over the country. This led me to create content specifically for TikTok that I would not share on other platforms. In particular, when I share opinions that might be considered more controversial, I am comfortable sharing those on TikTok, but do not share them on Facebook or Instagram because I know I will just be shouted down. There are also types of content, such as lip-syncing videos or other joke content, that are specific to the TikTok culture, which I enjoy creating with my patriotic, political, and Christian

messages but do not resonate on other platforms. *See, e.g.*, Multimedia Upload at Townsend Video A.<sup>1</sup>

7. On TikTok, I have developed a vast following and community far beyond what I ever attained on Facebook or Instagram. For example, I have approximately 2.5 million followers on TikTok, but only 1.9 million on Facebook, and 298,000 on Instagram, despite sharing some of the same videos on both platforms. Even though I have a lot of Facebook followers, I get more engagement on my videos on TikTok on average than I do on Facebook. I believe this is because TikTok's algorithm ensures that users with similar interests are likely to see my videos in their TikTok "For You Page." I am inspired to continue creating and sharing videos because I know that they are likely to be seen by those most interested and those less likely to be hostile to my work. In that way, TikTok opens the door to build community and connection and exchange ideas with other Christians and conservative-minded people, or

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<sup>1</sup> In compliance with the Court's June 3, 2024 Procedures Regarding Submission of Audio or Video Files, the Petitioners have uploaded to the Court's Box.com file repository a set of TikTok videos as part of the record. A public link to this particular TikTok video is also available here:

<https://www.tiktok.com/@tophertownmusic/video/7350397476077178143?lang=en>.

with people interested in learning more about the Bible and my political point of view.

8. In 2020, I was invited by several other Christian and conservative TikTok creators to help develop the Conservative Hype House, an account run by a collective of creators who discuss and debate views on current events from a conservative perspective and take turns posting videos to the collective's followers. I contributed content to the Conservative Hype House in addition to regularly posting videos on my own.

9. Now, I primarily use TikTok to carry out the mission of Stay in That Word Ministries, which I created to encourage a deeper understanding of the Bible and its relevance in our lives and to inspire a lifelong love of learning and exploration of faith. I developed quizzes about the stories, principles, and teachings of the Bible, and I create videos interviewing and quizzing people (mostly strangers) on their knowledge. I share these lighthearted videos with my TikTok followers. By making biblical literacy accessible and engaging, I aim to foster a community of individuals committed to living out the values and principles taught in the Bible in their daily lives. In my experience,

TikTok is the best platform for this content because, as described above, the algorithm will push it to new and interested users, which is vital to my mission of *increasing* biblical literacy and knowledge of Christian teachings.

10. I started to earn enough income through TikTok to become a full-time creator in August 2020. Since then, I have earned substantial income on TikTok directly, mostly through the Creator Rewards Program and some brand partnerships. I also recently had the chance to co-author a book because of my TikTok presence.

11. TikTok also paved the way for my success in other areas. For example, I am a hip-hop artist, and my music addresses topics such as my faith, patriotism, and political views. My music really took off when I started sharing it on TikTok. Before, my music was much less well-known, even though I had shared it on Instagram, Facebook, and YouTube; one of my songs would not even reach 1,000 streams in a year.

12. Finally, I had my first major commercial success with my song called “The Patriot,” which I released in December 2020. I heavily pushed this song on TikTok, which I believe played a critical role in making it go viral. TikTok allowed me to use song excerpts in my videos

that included information about the musical community's use of that song—which other apps did not allow at the time. The song reached No. 1 on the Billboard Rap Digital Song Sales in February 2021, and has been streamed over 22 million times on Spotify alone. I have also had other songs climb the Billboard Charts, and my music has now been streamed over 100 million times. I earn substantial income every month from music streams. I strongly believe this is partly a result of TikTok helping my music reach the audiences with whom it most resonates. The success of my music is dependent on my ability to share it on TikTok, and I fear that if I no longer have access to the app, my music career will be damaged.

13. I also enjoy collaborating with other musical artists on TikTok. For example, I created a TikTok “duet” on top of a clip from a military cadence theme song that another musical artist, MJ Hanks, had posted on TikTok. *See* Multimedia Upload at Townsend Video B.<sup>2</sup> I then reached out to him over TikTok to collaborate further in creating a new song, which ended up being featured in a film produced by Denzel

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<sup>2</sup> A public link to this TikTok video is also available here:  
<https://www.tiktok.com/@tophertownmusic/video/7245424033091620142?lang=en&q=i%20left%20my%20home%20topher&t=1718496326699>.

Washington. In my experience, TikTok fosters collaboration among the musical community in a way that other apps do not.

14. Another reason that I have had a much more positive experience on TikTok than on platforms such as Instagram, Facebook, and YouTube, is that I trust the platform more than I trust others. Facebook and Instagram often suggest content that does not at all align with my interests or values, and my content on these apps does not tend to reach as many people. Those it does reach sometimes respond in an aggressive and angry manner, and I have experienced both spam and harassment. TikTok's algorithm, on the other hand, has allowed me to express myself and communicate with others whose friendship I have come to value greatly, without facing the same aggression, anger, and backlash I have faced on other platforms. I also like that TikTok allows me to use the "Following" page that centers my experience on the creators that I choose to follow.

15. TikTok has also allowed me to dive deeper into other interests and discover new ones. For example, I follow gamers and creators who share their knowledge and tips—even on obscure topics like taking care of a lawn. In addition to getting interesting and valuable information

from these creators, many of them have also begun to engage with my content about religion and values. This kind of cross-pollination of interests on TikTok creates even more opportunities to learn and build communities with multiple overlapping shared interests.

16. I am extremely worried about how a TikTok ban would impact me and my family. TikTok has brought great value to my life—not just financially, but also because it allows me to express myself and share ideas with others to an extent that I have not experienced on any other platform. Because my experience on other platforms has been so different, I do not think it would be possible to replicate my TikTok network elsewhere. I would lose a space for expressing myself that has come to mean so much to me.

17. Even if TikTok is sold to a U.S. company, I am concerned that the Act will cause me to lose the ability to express myself to—and see content from—creators from all over the world. I have followers from all over the world, including in Switzerland, Australia, New Zealand, Scotland, Ireland, Ghana, and South Africa. I also have an especially large following among Christians in Kenya, who engage with my Bible quizzes and other Christian content. I am concerned that the Act will

cause me to lose contact with these groups.

18. As a veteran and an American who values free speech, I find it disturbing that the government is taking such an extreme step to close a forum for expression for so many Americans based on concerns for which they have not shared any evidence. I see the Act as an unacceptable infringement on speech, and it betrays the values that I sought to protect while serving in the armed forces.

I declare under penalty of perjury that the foregoing is true and correct.

Signed in Philadelphia, Mississippi this 17th day of June, 2024.

A handwritten signature in black ink, appearing to read 'C. Townsend', is written over a horizontal line.

Christopher Townsend

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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BRIAN FIREBAUGH, CHLOE  
JOY SEXTON, TALIA CADET,  
TIMOTHY MARTIN, KIERA  
SPANN, PAUL TRAN,  
CHRISTOPHER TOWNSEND,  
and STEVEN KING,

*Petitioners,*

v.

MERRICK B. GARLAND, in his  
capacity as United States Attorney  
General,

*Respondent*

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**DECLARATION OF PAUL TRAN IN SUPPORT OF  
PETITIONERS' BRIEF ON THE MERITS**

I, Paul Tran, declare as follows:

1. I make this declaration from personal knowledge.
2. I live in Atlanta, Georgia with my wife and children.
3. In 2018, my wife and I founded a skincare company called Love and Pebble. My wife struggled with acne as a teenager and experimented with remedies made out of home items like fruit and yogurt, as she did not have enough money for expensive acne products.

This hobby turned into a lifelong interest, and when we met, we combined my background in pharmaceuticals with her passion for healthy and affordable skincare to create a company focused on using powerful plant-based ingredients to invigorate skin. Our most popular product, the “beauty pop,” is made with superfoods like papaya, banana, turmeric, and aloe vera—and then frozen into a small popsicle that is rolled over the face, melting into an innovative face mask.

4. This company means the world to me and my wife, and we have made immense personal, emotional, and financial sacrifices to keep it afloat. For the first few years, the business teetered on the brink of failure, as we struggled to market our products through traditional advertising and other social media apps. Especially in the competitive skincare market, breaking through to the public was very difficult. At several junctures, it seemed inevitable that we would have to shut down the company.

5. Around the spring of 2021, we started making TikTok videos about our story as married small business owners. Our videos are deeply personal—for example, we sometimes show my wife’s mother using the beauty pops or include a fun video featuring our young daughter. *See*

Multimedia Upload at Tran Video A.<sup>1</sup> Eventually, some of these videos went viral on TikTok. Pretty soon, we were selling out of inventory and receiving unbelievable opportunities, such as offers to appear on television shows like “Shark Tank” and “The Today Show.” TikTok truly invigorated our company and saved it from collapse.

6. More recently, in 2023, after losing money on Facebook advertisements for years, we decided to launch our skincare line in TikTok Shop (TikTok’s integrated e-commerce solution that allows sellers to sell products directly on the platform). This move has been life-changing for us. Our sales have gone up substantially, and we now sell approximately 90% of our products through TikTok Shop. We also partner with approximately 2,000 TikTok “affiliates”—other TikTok creators who make videos about our products to share with their audiences on the app in exchange for a share in our revenue. This partnership also accelerated our sales.

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<sup>1</sup> In compliance with the Court’s June 3, 2024 Procedures Regarding Submission of Audio or Video Files, the Petitioners have uploaded to the Court’s Box.com file repository a set of TikTok videos as part of the record. A public link to this particular TikTok video is also available here:  
<https://www.tiktok.com/@loveandpebble/video/6992298700928240902?lang=en>.

7. The TikTok Shop Affiliate Program provides opportunities for the affiliates to create expressive videos about products they love and to generate substantial income. For example, one of our top affiliates supports herself with the income that she earns from creating and posting TikTok videos supporting our and other businesses. These income opportunities are particularly valuable for stay-at-home parents and other caretakers who can support their families from their homes. My wife and I have become very close with some of our affiliates, and get a lot of satisfaction from working together and helping each other.

8. In addition to the product sales, I am very proud of the strong community that my wife and I have found and built on TikTok. We have connected with TikTok users and creators all over the world and bonded over our love of skincare, as well as our experiences as parents, small business owners, and Asian Americans. This community is one of my favorite things about TikTok.

9. We have tried using other platforms to promote our small business and create a similar sense of community, but have not had anywhere near the same success as on TikTok. For example, Love and Pebble has 142,800 followers on TikTok, but only 23,300 on Instagram

and a mere 1,700 on Facebook, despite regularly posting on each platform. Sometimes we post the same content from TikTok on other platforms, but we still get paltry engagement compared to what we see on TikTok. I believe this is because TikTok is able to share our content with more new viewers and specifically to those who are likely to be interested in skincare. We have also tried selling our products through Amazon and our own company website, but no platform has come close to the level of access, visibility, and community that TikTok has provided us.

10. My wife and I create the videos that we post on TikTok. She usually stars in the video while I film and edit. I like to film and edit directly in the TikTok app or using CapCut, as these tools make the process very easy and straightforward. We and our affiliates also enjoy using the “duet” and “stitch” features on the app because they provide ways for us to connect with other creators and followers and strengthen our community. For example, we recently posted a duet with a short film-creator in celebration of Asian American and Pacific Islander Heritage Month, in which one of the Love and Pebble creators is using a beauty pop while watching a short film about powerful intergenerational bonds

between Asian American children and their immigrant parents. *See* Multimedia Upload at Tran Video B.<sup>2</sup> As a minority-owned company, it is important for us to share our stories—and TikTok provides us with the tools and the platform to do so.

11. In addition to promoting my small business and engaging with my community, I also enjoy using TikTok for personal creative expression and exploration. I created a personal TikTok account to document experiences with my young daughter, and to serve as a kind of chronological scrapbook of memories from her growing up. This account is something that I do just for us; I do not care how many people see it. But this content has provided the unexpected benefit of allowing me to connect with other “girl dads” on TikTok, and I enjoy following their accounts for inspiration on fun things I can do with my daughter as well as to remind me to enjoy the little moments.

12. I also love seeing content on TikTok about martial arts, specifically Brazilian jiu-jitsu—a hobby that I am passionate about. I like to follow other practitioners and fans of the sport to learn techniques

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<sup>2</sup> A public link to this TikTok video is also available here: <https://www.tiktok.com/@loveandpebble/video/7375287727786528046?lang=en>.

and laugh over entertaining memes. Additionally, TikTok is a wonderful resource for researching travel, new restaurants, and other experiences—and I rely on it when I’m planning excursions with my family.

13. A ban of TikTok would greatly impact me and my family. Because we sell 90 percent of our products over TikTok, the small business that we worked so hard to create and sustain would take a devastating blow. We would lose all of the momentum and traction that we have built through TikTok over the years and would need to start from scratch. We tried traditional marketing (and marketing on other social media platforms) for years to no avail; and I see no reason why things would be different now. This change would not only affect my immediate family, but also the TikTok affiliates who rely partly on income from our revenue shares to provide for themselves and their families. Some of these affiliates have already contacted us, expressing concern about what will happen to them if the Act takes effect. In addition to the substantial financial loss, I would be incredibly saddened to lose access to the invaluable community that my wife and I have built

on TikTok—a community that has celebrated our wins and supported us through our lowest moments.

14. Even if a U.S. version of TikTok were available, my wife and I would lose our international followers. We really enjoy learning from and engaging with our foreign followers on TikTok.

I declare under penalty of perjury that the foregoing is true and correct.

Signed in Atlanta, Georgia this 18th day of June, 2024.

A handwritten signature in black ink, appearing to read 'Paul Tran', is written over a horizontal line.

Paul Tran

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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BRIAN FIREBAUGH, CHLOE  
JOY SEXTON, TALIA CADET,  
TIMOTHY MARTIN, KIERA  
SPANN, PAUL TRAN,  
CHRISTOPHER TOWNSEND,  
and STEVEN KING,

*Petitioners,*

v.

MERRICK B. GARLAND, in his  
capacity as United States Attorney  
General,

*Respondent.*

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**DECLARATION OF AMBIKA KUMAR IN SUPPORT OF  
PETITIONERS' BRIEF ON THE MERITS**

I, Ambika Kumar, declare as follows:

1. I am a partner in the law firm Davis Wright Tremaine LLP, have been admitted to practice before this Court, and am counsel for Petitioners in this matter. I make this declaration from personal knowledge and a review of the files and records in this matter.

2. Attached as Exhibit 1 is a true and correct copy of a document titled *Gallagher, Bipartisan Coalition Introduce Legislation to Protect Americans From Foreign Adversary Controlled Applications, Including*

*TikTok* and dated March 5, 2024, available at

[https://selectcommitteeontheccp.house.gov/media/press-](https://selectcommitteeontheccp.house.gov/media/press-releases/gallagher-bipartisan-coalition-introduce-legislation-protect-americans-0)

[releases/gallagher-bipartisan-coalition-introduce-legislation-protect-](https://selectcommitteeontheccp.house.gov/media/press-releases/gallagher-bipartisan-coalition-introduce-legislation-protect-americans-0)

[americans-0](https://selectcommitteeontheccp.house.gov/media/press-releases/gallagher-bipartisan-coalition-introduce-legislation-protect-americans-0). Unless otherwise specified below, my office obtained a copy

of the exhibits to my declaration, including this article, by visiting the

websites listed in each paragraph.

3. Attached as Exhibit 2 is a true and correct copy of a document titled *Thanks a Billion!* and dated September 27, 2021, available at

<https://newsroom.tiktok.com/en-us/1-billion-people-on-tiktok>.

4. Attached as Exhibit 3 is a true and correct copy of an article titled *TikTok Has Changed America* and dated April 19, 2024, available at

<https://www.nytimes.com/interactive/2024/04/18/business/media/tiktok-ban-american-culture.html>.

5. Attached as Exhibit 4 is a true and correct copy of an article titled *TikTok Extends Video Length Limit to 10 Minutes* and dated

March 2, 2022, available at <https://tech.co/news/tiktok-extends-video-10-minutes>.

6. Attached as Exhibit 5 is a true and correct copy of an article titled *TikTok is testing 15-minute uploads with select users* and dated October 23, 2023, available at <https://techcrunch.com/2023/10/23/tiktok-testing-15-minute-uploads/>.

7. Attached as Exhibit 6 are true and correct copies of the main pages of Massachusetts Senator Ed Markey's TikTok account (@senmarkey), available at <https://www.tiktok.com/@senmarkey>; and Nevada Senator Jacky Rosen's TikTok account (@jackyrosenhq), available at <https://www.tiktok.com/@jackyrosenhq>.

8. Attached as Exhibit 7 is a true and correct copy of the main page of the Biden-Harris HQ's TikTok account (@bidenhq), available at <https://www.tiktok.com/@bidenhq>.

9. Attached as Exhibit 8 is a true and correct copy of the main page of former President Donald J. Trump's TikTok account (@realdonaldtrump), available at <https://www.tiktok.com/@realdonaldtrump>.

10. Attached as Exhibit 9 is a true and correct copy of an article titled *Biden just signed a bill that could ban TikTok. His campaign plans*

*to stay on the app anyway* and dated April 25, 2024, available at <https://apnews.com/article/biden-tiktok-campaign-account-young-voters-ban-d351ccb17c59890473af1685a0a756f3>.

11. Attached as Exhibit 10 is a true and correct copy of an excerpt of the document titled *Effects*, available at <https://support.tiktok.com/en/using-tiktok/creating-videos/effects>.

12. Attached as Exhibit 11 is a true and correct copy of an article titled *A TikTok ban could also end short-form video as we've come to know it* and dated April 29, 2024, available at <https://www.washingtonpost.com/technology/2024/04/29/tiktok-capcut-ban-impact/>.

13. Attached as Exhibit 12 is a true and correct copy of a document titled *How TikTok Recommends Videos #ForYou* and dated June 18, 2020, available at <https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you>.

14. Attached as Exhibit 13 is a true and correct excerpt of the document titled *How TikTok recommends content*, available at

<https://support.tiktok.com/en/using-tiktok/exploring-videos/how-tiktok-recommends-content>.

15. Attached as Exhibit 14 is a true and correct copy of an article titled *How TikTok's algorithm made it a success: 'It pushes the boundaries'* and dated October 24, 2022, available at <https://www.theguardian.com/technology/2022/oct/23/tiktok-rise-algorithm-popularity>.

16. Attached as Exhibit 15 is a true and correct copy of an article titled *How TikTok Changed the Social Media Game With Its Unique Algorithm* and dated August 16, 2022, available at <https://www.entrepreneur.com/science-technology/how-tiktoks-unique-algorithm-changed-the-social-media/431804>.

17. Attached as Exhibit 16 is a true and correct copy of an article titled *TikTok is A Beacon of Democracy In The Social Media Landscape* and dated April 19, 2024, available at <https://www.forbes.com/sites/jamesbroughel/2024/04/19/tiktok-is-a-beacon-of-democracy-in-the-social-media-hellscape/?sh=7c0849fd1278>.

18. Attached as Exhibit 17 is a true and correct copy of an article titled *TikTok: Are influencers panicking about bans? We asked three to weigh in* and dated January 19, 2023, available at <https://finance.yahoo.com/news/tiktok-are-influencers-panicking-about-bans-we-asked-three-to-weigh-in-205625085.html>.

19. Attached as Exhibit 18 is a true and correct copy of an article titled *This man has gone viral on TikTok for dancing to Nelly Furtado in front of his bathroom sink* and dated February 25, 2022, available at <https://thetab.com/uk/2022/02/25/nelly-furtado-dancing-man-tiktok-bathroom-mirror-sink-dance-viral-hype-house-duet-242233?callback=in&code=MTY1MZVMMWYTODLMMS0ZODY5LWIXZMUTOWU2OWI3MGFMMJMX&state=72696ec2e1454f25a85cc261488cfe46>.

20. Attached as Exhibit 19 is a true and correct copy of an article titled *Alex Consini Is TikTok's 2024 It Girl* and dated January 9, 2024, available at <https://www.bustle.com/life/who-is-alex-consani-model-tiktok>.

21. Attached as Exhibit 20 is a true and correct copy of an article titled *21 popular BookTok books and why they went viral* and dated March 15, 2023, available at <https://www.today.com/popculture/books/booktok-tiktok-books-list-rcna70986>.

22. Attached as Exhibit 21 is a true and correct copy of an article titled *Want to get on BookTok? Tips from creators on how to find the best book recommendations* and dated December 18, 2023, available at <https://www.usatoday.com/story/entertainment/books/2023/12/18/what-is-booktok-user-tips/71825963007/>.

23. Attached as Exhibit 22 is a true and correct copy of an article titled *Instagram courts TikTok users with algorithm revamp* and dated May 3, 2024, available at <https://www.bbc.com/news/articles/cmm3yn4pr17o>.

24. Attached as Exhibit 23 is a true and correct copy of an article titled *YouTube is adding a slew of new TikTok-like features to Shorts* and dated August 1, 2023, available at

<https://www.theverge.com/2023/8/1/23814549/youtube-shorts-live-video-feed-effects-monetization-tiktok>.

25. Attached as Exhibit 24 is a true and correct copy of an article titled *TikTok Clones: How Spotify, Instagram, Twitter And More Are Copying Features Like The 'For You' Page* and dated March 13, 2023, available at

<https://www.forbes.com/sites/conormurray/2023/03/13/tiktok-clones-how-spotify-instagram-twitter-and-more-are-copying-features-like-the-for-you-page/?sh=75846fd34473>.

26. Attached as Exhibit 25 is a true and correct copy of an article titled *How TikTok beat Instagram* and dated February 2, 2023, available at <https://www.businessinsider.com/why-instagram-cant-compete-tiktok-videos-algorithm-influencers-engagement-2023-2>.

27. Attached as Exhibit 26 is a true and correct copy of an article titled *The Consequences of Elon Musk's Ownership of X* and dated October 27, 2023, available at <https://www.nytimes.com/interactive/2023/10/27/technology/twitter-x-elon-musk-anniversary.html>.

28. Attached as Exhibit 27 is a true and correct copy of an article titled *Why can't Twitter and TikTok be easily replaced? Something called 'network effects'* and dated April 12, 2023, available at <https://www.npr.org/2023/04/12/1168232177/twitter-tik-tok-replaced-network>.

29. Attached as Exhibit 28 is a true and correct copy of a portion of TikTok's website with video titled *Data Privacy Tech Security*, available at <https://usds.tiktok.com/>.

30. Attached as Exhibit 29 is a true and correct copy of an article titled *TikTok offered an extraordinary deal. The U.S. government took a pass* and dated May 29, 2024, available at <https://www.washingtonpost.com/technology/2024/05/29/tiktok-cfius-proposal-rejected/>.

31. Attached as Exhibit 30 is a true and correct copy of a document titled *Bergman Supports Bipartisan Legislation to Stop Foreign Adversaries from Owning Social Media Companies* and dated March 13, 2024, available at

[https://bergman.house.gov/news/documentsingle.aspx?DocumentID=121](https://bergman.house.gov/news/documentsingle.aspx?DocumentID=1217)

[7.](#)

32. Attached as Exhibit 31 is a true and correct copy of an article titled *It could be months before the Senate takes up a TikTok bill, despite warnings about China* and dated March 20, 2024, available at <https://www.nbcnews.com/politics/congress/months-senate-takes-tiktok-bill-warnings-china-rcna144301>.

33. Attached as Exhibit 32 is a copy of an Instagram video posted by Illinois State Representative Raja Krishnamoorthi on April 25, 2024. In compliance with the Court's June 3, 2024 Procedures Regarding Submission of Audio or Video Files, Petitioners have uploaded this file to the Court's Box.com file repository. It is also available at <https://www.instagram.com/congressmanraja/reel/C6MDKANiEMG/>.

34. Attached as Exhibit 33 is a true and correct copy of a document titled *Congressman Flood Votes to Stop TikTok Propaganda* and dated March 13, 2024, available at <https://flood.house.gov/media/press-releases/congressman-flood-votes-stop-tiktok-propaganda>.

35. Attached as Exhibit 34 is a true and correct copy of a document titled *Congressman Russ Felcher's Statement on the Passage of H.R. 7521* and dated March 14, 2024, available at <https://fulcher.house.gov/press-releases?ID=D9D9757F-0EE1-49E5-9F2C-5A4F7DDD8717>.

36. Attached as Exhibit 35 is a true and correct copy of an article titled *Banning TikTok would hit China's tech ambitions and deepen the global digital divide* and dated April 24, 2024, available at <https://www.cnn.com/2024/04/24/tech/tiktok-ban-bytedance-split-the-world-further-intl-hnk>.

37. Attached as Exhibit 36 is a true and correct copy of an article titled *TikTok Ban Threatens Creator Economy: 'There Is No Way I'd Have a Functioning Business' The social media app gave them financial success. Could it all go away* and dated May 29, 2024, available at <https://www.cnet.com/personal-finance/banking/advice/tiktok-ban-threatens-creator-economy-there-is-no-way-id-have-a-functioning-business/#outlawing-tiktok-could-turn-lives-upside-down>.

38. Attached as Exhibit 37 is a true and correct copy of a portion of Fame Recording Studio's website titled *Our History*, available at <https://famestudios.com/our-history/>.

39. Attached as Exhibit 38 is a true and correct copy of an article titled *The Legendary Muscle Shoals Sound* and dated September 20, 2003, available at <https://www.npr.org/2003/09/20/1437161/the-legendary-muscle-shoals-sound>.

40. Attached as Exhibit 39 is a true and correct copy of an article titled *The Defiant Spirit of the Muscle Shoals Sound In the racially segregated American South of the 1960s, a small group of producers and artists built a studio that brought black and white soul artists together, and blended rock & roll, soul and R&B to create a regional sound that went nationwide* and dated March 1, 2016, available at <https://daily.redbullmusicacademy.com/2016/03/muscle-shoals-feature>.

41. Attached as Exhibit 40 is a true and correct copy of a document titled *Remarks by President Biden and Vice President Harris at a Campaign Event / Philadelphia, PA* and dated May 29, 2024, available at <https://www.whitehouse.gov/briefing-room/speeches->

[remarks/2024/05/29/remarks-by-president-biden-and-vice-president-harris-at-a-campaign-event-philadelphia-pa/](#).

42. Attached as Exhibit 41 is a true and correct copy of an article titled *Biden, Trump each pitch existential fear of the alternative to voters* and dated January 12, 2024, available at [https://thehill.com/homenews/campaign/4403845-biden-trump-both-pitch-existential-fear-of-the-alternative-to-voters/](#).

43. Attached as Exhibit 42 is a true and correct copy of an article titled *Biden asks Americans to recommit to democracy in Normandy cliff speech* and dated June 7, 2024, available at [https://www.reuters.com/world/biden-condemn-isolationism-cliffs-normandy-echo-reagan-2024-06-07/](#).

44. Attached as Exhibit 43 is a true and correct copy of an article titled *This is what Russian propaganda looks like in 2024* and dated June 6, 2024, available at [https://www.npr.org/2024/06/06/g-s1-2965/russia-propaganda-deepfakes-sham-websites-social-media-ukraine](#).

45. Attached as Exhibit 44 is a true and correct copy of a document titled *Threat Posed by TikTok* and dated March 6, 2024, that

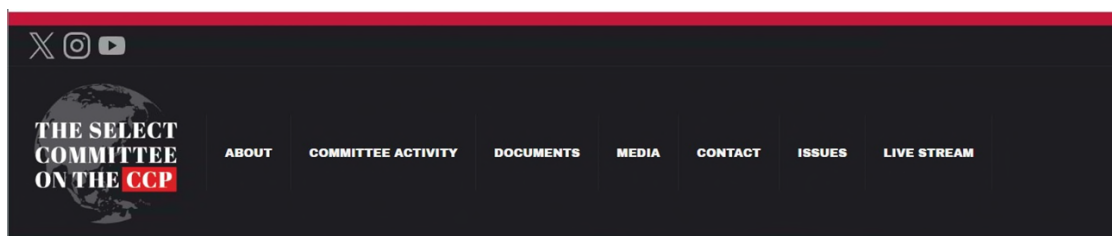
was emailed to me on June 11, 2024, by Daniel Tenny of the United States Department of Justice.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Seattle, Washington this 19th day of June, 2024.

/s/ Ambika Kumar  
Ambika Kumar

# EXHIBIT 1

[Home](#)[Media](#)[Press Releases](#)

## Gallagher, Bipartisan Coalition Introduce Legislation to Protect Americans From Foreign Adversary Controlled Applications, Including TikTok

**March 5, 2024**[Press Release](#)

**WASHINGTON, D.C.--** Rep. Mike Gallagher (R-WI) and Rep. Raja Krishnamoorthi (D-IL), Chairman and Ranking Member of the House Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party, today introduced the Protecting Americans from Foreign Adversary Controlled Applications Act. The bill prevents app store availability or web hosting services in the U.S. for ByteDance-controlled applications, including TikTok, unless the application severs ties to entities like ByteDance that are subject to the control of a foreign adversary, as defined by Congress in Title 10.

In addition, the bill creates a process for the President to designate certain, specifically defined social media applications that are subject to the control of a foreign adversary—per Title 10—and pose a national security risk. Designated applications will face a prohibition on app store availability and web hosting services in the U.S. unless they sever ties to entities subject to the control of a foreign adversary through divestment.

Document title: Gallagher, Bipartisan Coalition Introduce Legislation to Protect Americans From Foreign Adversary Controlled Applications, Including TikTok | Select... [Capture URL: https://selectcommitteeontheccp.house.gov/media/press-releases/gallagher-bipartisan-coalition-introduce-legislation-protect-americans-0](https://selectcommitteeontheccp.house.gov/media/press-releases/gallagher-bipartisan-coalition-introduce-legislation-protect-americans-0)

Capture timestamp (UTC): Wed, 19 Jun 2024 14:06:46 GMT

The bill is co-led by House Republican Conference Chair Elise Stefanik (R-NY), Rep. Kathy Castor (D-FL), Rep. Bob Latta (R-OH), Rep. Andre Carson (D-IN), Rep. Kevin Hern (R-OK), Rep. Seth Moulton (D-MA), Rep. Chip Roy (R-TX), Rep. Mikie Sherrill (D-NJ), Rep. Neal Dunn (R-FL), Rep. Haley Stevens (D-MI), Rep. Ralph Norman (R-SC), Rep. Jake Auchincloss (D-MA), Rep. Kat Cammack (R-FL), Rep. Ritchie Torres (D-NY), Rep. John Moolenaar (R-MI), Rep. Shontell Brown (D-OH), Rep. Ashley Hinson (R-IA), and Rep. Josh Gottheimer (D-NJ). The bill is co-sponsored by Rep. Dusty Johnson (R-SD), Rep. Nancy Pelosi (D-CA), Rep. Carlos Gimenez (R-FL), Rep. Anna Eshoo (D-CA), Rep. Darin LaHood (R-IL), Rep. Chris Deluzio (D-PA), Rep. Timothy Walberg (R-MI), Rep. Marc Veasey (D-TX), Rep. Rick Allen (R-GA), Rep. Elissa Slotkin (D-MI), Rep. John Joyce (R-PA), Rep. Andrea Salinas (D-OR), Rep. Earl "Buddy" Carter (R-GA), Rep. Kweisi Mfume (D-MD), Rep. August Pfluger (R-TX), Rep. Hillary Scholten (D-MI), Rep. Dan Crenshaw (R-TX), Rep. Chris Pappas (D-NH), Rep. John Curtis (R-UT), Rep. Jonathan Jackson (D-IL), Rep. Brian Fitzpatrick (R-PA), Rep. Jim Costa (D-CA), Rep. Mark Alford (R-MO), Rep. Jake LaTurner (R-KS), Rep. Stephanie Bice (R-OK), Rep. Scott Fitzgerald (R-WI), Rep. Mike Lawler (R-NY), Rep. Claudia Tenney (R-NY), Rep. Jeff Van Drew (R-NJ), Rep. Mike Kelly (R-PA), Rep. Cory Mills (R-FL), Rep. Gus Bilirakis (R-FL), Rep. Brad Sherman (D-CA), Rep. Vern Buchanan (R-FL), and Rep. Victoria Spartz (R-IN).

"This is my message to TikTok: break up with the Chinese Communist Party or lose access to your American users," **said Chairman Gallagher.** "America's foremost adversary has no business controlling a dominant media platform in the United States. TikTok's time in the United States is over unless it ends its relationship with CCP-controlled ByteDance."

"So long as it is owned by ByteDance and thus required to collaborate with the CCP, TikTok poses critical threats to our national security. Our bipartisan legislation would protect American social media users by driving the divestment of foreign adversary-controlled apps to ensure that Americans are protected from the digital surveillance and influence operations of regimes that could weaponize their personal data against them. Whether it's Russia or the CCP, this bill ensures the President has the tools he needs to press dangerous apps to divest and defend Americans' security and privacy against our adversaries," **said Ranking Member Krishnamoorthi.**

"TikTok is Communist Chinese malware that is poisoning the minds of our next generation and giving the CCP unfettered access to troves of Americans' data. I am proud to join Chairman Mike Gallagher in introducing the Protecting Americans from Foreign Adversary Controlled Applications Act to finally ban TikTok in the United States. From proliferating videos on how to cross our

border illegally to supporting Osama Bin Laden's Letter to America, Communist China is using TikTok as a tool to spread dangerous propaganda that undermines American national security. We cannot allow the CCP to continue to harness this digital weapon," **said Rep. Stefanik.**

"In this day and age, we all know about the vast benefits – and vast risks – of our most popular social media platforms. Ensuring that foreign adversaries do not have the ability to control what we see and hear online is an important piece of what should be a bipartisan effort to make social media safer for all Americans. This bill would ensure that Tik Tok is no longer controlled, even indirectly, by the Chinese Communist Party, and does so in a responsible way, that doesn't take away Americans' favorite social media apps," **said Rep. Moulton.**

"The dangerous link between TikTok and the Chinese Communist Party has never been more apparent. When TikTok's CEO came before the Energy and Commerce Committee last year, he readily admitted to me that ByteDance employees in China have access to U.S. user data. This alone should serve as a wake-up call and alarm every single American – whether they're actively engaged on TikTok or not. TikTok and its ties to Communist China poses a clear and present danger to U.S. national security and is threatening the privacy of millions of Americans. I'm proud to help lead the bipartisan Protecting Americans from Foreign Adversary Controlled Applications Act, which will ban the app from the United States if TikTok is not divested by the Chinese Communist Party," **said Rep. Latta.**

"All Americans deserve access to information and media platforms that are free from the influence of hostile foreign actors like the Chinese Communist Party. But here are the facts: TikTok has been used by the CCP to silence free speech and dissent in the United States and abroad, to undermine democracy and our values, and to promote propaganda that is favorable to autocratic rulers like President Xi. In New Jersey, TikTok has banned users for posting content that brought awareness to the CCP's horrific genocide and forced labor of the Uyghur people. It's nothing short of dangerous that the CCP controls a key source of information for millions of Americans – including so many teenagers and children who've seen their mental health harmed by the app. This bipartisan legislation should be passed immediately to protect our democracy, our national security, and our kids," **said Rep. Sherrill.**

"The House Select Committee on the CCP and the House Energy & Commerce Committee have found alarming proof of our data being shared with our adversaries via applications developed by ByteDance," **said Rep. Dunn.** "I even

asked the TikTok CEO point blank if ByteDance has spied on Americans on behalf of the CCP, and his response was 'I don't think spying is the right way to describe it.' This is outrageous. I took an oath to protect the American people and I'm proud to join this effort to ban applications that can be utilized and abused by our adversaries."

"Social media corporations are attention-fracking American youth and corroding our democracy. Congress needs to get tough on them -- but we can only do that if these corporations are subject to U.S. law. TikTok needs to answer to Congress, not Xi Jinping," **said Rep. Auchincloss.**

"TikTok is owned by the Chinese Communist Party and we cannot allow the CCP to indoctrinate our children. This strong bipartisan legislation is an important step forward in making sure social media apps owned by foreign adversaries are prohibited from doing business in America. I encourage all Americans using TikTok to strongly consider the personal risks of having their data owned by the Chinese Communist Party and hope they will stop using the app as this bipartisan legislation moves forward," **said Rep. Moolenaar.**

"Congress can no longer afford to ignore the growing threat posed by foreign adversary-controlled applications like TikTok," **said Rep. Torres.** "TikTok not only jeopardizes our national security but also threaten our fundamental freedoms by allowing adversaries to surveil and influence the American public under the guise of a social media platform. The Protecting Americans from Foreign Adversary Controlled Applications Act is a crucial step in safeguarding our nation. We must act swiftly and decisively to protect our citizens and preserve our sovereignty."

"Not only is the CCP-controlled TikTok an immense national security risk to our country, it is also poisoning the minds of our youth every day on a massive scale. China is our enemy, and we need to start acting like it. I am proud to partner with Representatives Gallagher and Krishnamoorthi on this bipartisan bill to ban the distribution of TikTok in the US. This legislation will make our country better off and more secure," **said Rep. Roy.**

"The Chinese Communist Party has made it abundantly clear that it is willing to leverage technology to collect data on our children and all US citizens. Using TikTok, China has the ability to control what an entire generation of kids sees and consumes every single day," **said Rep. Gottheimer.** "It's time we fight back against TikTok's information invasion against America's families. In the wrong hands, this data is an enormous asset to the Chinese Communist Party — a known adversary — and their malign activities."

“Any technology—apps, software, language models—owned by foreign adversaries are unequivocal threats to our national security. We have every right to protect Americans’ constitutional rights, data privacy, and national security, and it’s only become clear over the last several years how dangerous these foreign-owned tech platforms truly are,” **said Rep. Cammack**. “As a member of the Energy & Commerce Committee which deals heavily in the telecom and tech space, I don’t take this decision lightly. I’m grateful to Chairman Gallagher and the Select Committee on the CCP for spearheading this effort and I look forward to the bipartisan support this effort will garner to keep the U.S. safe from malign influence, adversarial infiltration, espionage, and beyond.”

“TikTok is CCP spyware used by the regime to steal Americans’ data and push harmful propaganda, including content showing migrants how to illegally cross our Southern Border, supporting Hamas terrorists, and whitewashing 9/11. Bottom line: TikTok needs to completely cut ties with the CCP or it will no longer be available in the United States. It is past time to dismantle the CCP’s top propaganda and spyware tool,” **said Rep. Hinson**.

**Summary:** Applications like TikTok that are controlled by foreign adversaries pose an unacceptable risk to U.S. national security. Such apps allow our adversaries to surveil and influence the American public, both through the data we produce and the information we share and consume.

This legislation addresses the threat in two ways. First, it prevents app store availability or web hosting services in the U.S. for ByteDance-controlled applications, including TikTok, unless the application severs ties to entities like ByteDance that are subject to the control of a foreign adversary, as defined by Congress in Title 10. The bill provides ByteDance with a window of time to divest, and the bill’s prohibitions do not apply if it completes a qualified divestment. It also creates a process for the President to designate certain, specifically defined social media applications that are subject to the control of a foreign adversary—per Title 10—and pose a national security risk. Designated applications will face a prohibition on app store availability and web hosting services in the U.S. unless they sever ties to entities subject to the control of a foreign adversary through divestment. This bill addresses the immediate national security risks posed by TikTok and creates a process for the President to protect Americans’ national security and privacy from foreign adversary-controlled applications in the future.

Click [HERE](#) to read text of the bill.

**What the Bill Does:**

- Incentivize Divestment of TikTok: Unless TikTok is fully divested such that it is no longer controlled by a PRC-based entity, the application will face a prohibition in the U.S. from app store availability and web hosting services until such time as a divestment occurs.
- Address the National Security Risks Posed by Other Applications Controlled by Foreign Adversary Companies: Establishes a process for the President to designate other foreign adversary controlled social media applications—as defined by statute—that shall face a prohibition on app store availability and access to web hosting services in the United States unless they sever ties to the foreign adversary-controlled company. The President may exercise this authority if an application presents a national security threat, has over one million annual active users, and is under the control of a foreign adversary entity, as defined by statute.
- Empower Users to Switch Platforms: Designated applications must provide users with a copy of their data in a format that can be imported into an alternative social media application. All users would be able to download their data and content and transition to another platform.

**What the Bill Does Not Do:**

- Punish Individual Social Media Users: No enforcement action can be taken against individual users of an impacted app.
- Censor Speech: This legislation does not regulate speech. It is focused entirely on foreign adversary control—not the content of speech being shared. This bill only applies to specifically defined social media apps subject to the control of foreign adversaries, as defined by Congress.
- Impact Apps That Sever Ties to Foreign Adversary-Controlled Entities: An app, including TikTok, that severs ties with entities subject to the control of a foreign adversary is not impacted by any other provision of the bill.

**TikTok**

# EXHIBIT 2



All

News

Product

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Safety

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United States

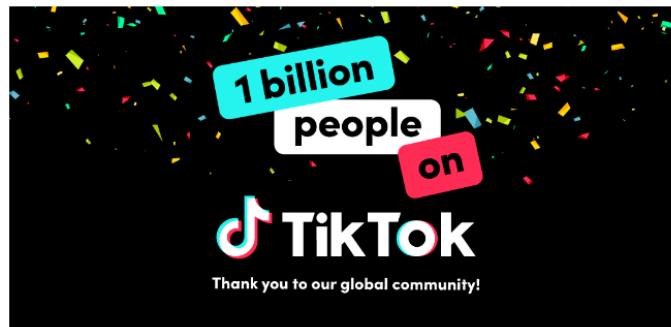
Community

Sep 27, 2021

Share this post



# Thanks a billion!



At TikTok, our mission is to inspire creativity and bring joy. Today, we're celebrating that mission and our global TikTok community. More than 1 billion people around the world now come to TikTok every month to be entertained as they learn, laugh, or discover something new. We're honored to be a home for our immensely diverse community of families, small businesses, and creators who transform into our favorite stars.

TikTok has become a beloved part of life for people around the world because of the creativity and authenticity of our creators. Our global community is remarkable in its ability to reach millions of people, across generations. From music, food, beauty and fashion to art, causes, and everything in between, culture truly starts on TikTok.

Whether you're in Singapore, São Paulo, Stockholm, or Seattle, we celebrate YOU – the creators who inspire us, the artists who launch chart-breaking albums, the brands who help us discover and connect with products we love, the communities who lift us up, and all the people who keep us laughing and dancing.

Thank you for making this journey so special.

– The TikTok Team



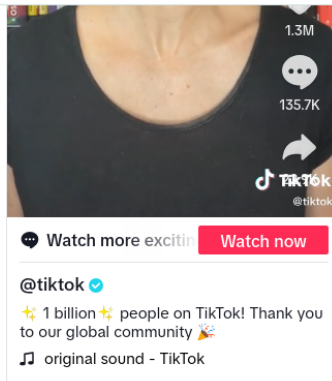
Document title: Thanks a billion! | TikTok Newsroom

Capture URL: <https://newsroom.tiktok.com/en-us/1-billion-people-on-tiktok>

Capture timestamp (UTC): Fri, 14 Jun 2024 15:22:58 GMT

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News

Jun 13, 2024

## Announcing Off the Record: A New TikTok Series Featuring Today's Top Artists

Behind-the-scenes content series providing an inside look at making an album Today, TikTok is unveiling Off the Record, a new series that...

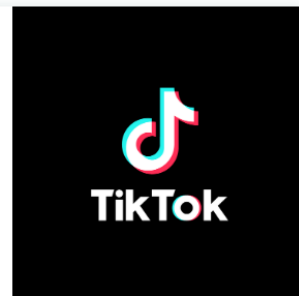


Company

Jun 3, 2024

## ByteDance Appoints John Rogovin as Global General Counsel

ByteDance announced today that John Rogovin will join the Company as Global General Counsel, which will encompass oversight of TikTok. Joh...



Community

May 31, 2024

## #ForYourPride: Celebrating TikTok's Visionary LGBTQIA+ Community

The LGBTQIA+ community has always been a beacon of creativity, advocacy, and joy — cultivating spaces for people to show up...





## Artists

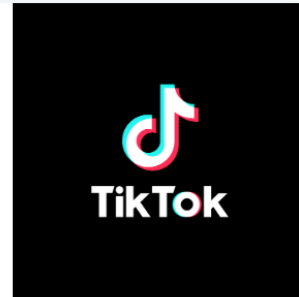
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### Company

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TikTok for Developers  
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TikTok Rewards  
TikTok Browse  
TikTok Embeds

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Safety Center  
Creator Portal  
Community Guidelines  
Transparency  
Accessibility

### Legal

Terms of Service

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# EXHIBIT 3



The New York Times

GIVE THE TIMES

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AN INCOMPLETE GUIDE

# Love, Hate or Fear It, TikTok Has Changed America



As lawmakers argue for TikTok to be sold, some of the app's most popular memes, from skateboarding with a Fleetwood Mac soundtrack to the renegade dance, have been seen tens of millions of times.

**Introduction by Sapna Maheshwari**

April 19, 2024

[Share full article](#) 272**Hear Times writers tell the stories of how TikTok has influenced culture**

Has there ever been an app more American seeming than TikTok, with its messy democratic creativity, exhibitionism, utter lack of limits and vast variety of hustlers?

And yet, of course, TikTok is not American, which is the whole reason that in March, the House of Representatives passed a bill with broad bipartisan support that would force the Chinese owners of the video-app juggernaut to either sell to a non-Chinese owner or face a ban. Lawmakers say it's a national security threat, and that the Chinese government could lean on its owner, ByteDance, to obtain sensitive U.S. user data or influence content on the app to serve its interests

Document title: How TikTok Changed America - The New York Times

Capture URL: <https://www.nytimes.com/interactive/2024/04/18/business/media/tiktok-ban-american-culture.html>

Capture timestamp (UTC): Mon, 17 Jun 2024 19:01:51 GMT

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There's a long road of legislation, deal making and legal challenges ahead before TikTok could be forced to change ownership or even be banned. The Senate would need to pass the legislation — which it may do as soon, now that [the House has bundled it into a foreign aid package](#). It would have to survive lawsuits from TikTok and creators. Buyers would have to clear regulatory approval. And after all that, Beijing could simply block a deal.

But imagining what a United States without TikTok would look like throws into sharp relief just how much the app has worked its way into American culture.

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Roughly 170 million Americans use TikTok. That's half the population of the United States.

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TikTok, which officially landed in the United States in 2018, was [the most downloaded app](#) in the country, and the world, in 2020, 2021 and 2022. It wasn't that the elements of it were so new — compelling videos from randos had long been a staple of American pop culture — but TikTok put the pieces together in a new way.

Unlike Instagram, Facebook or Snapchat, TikTok didn't build itself around social connections. Its goal is pure, uncut entertainment. The algorithm ingested every data point it could from what users skipped, liked or shared — and spat it directly into the maddeningly habit-forming For You Page. Fans whispered reverently that it knew them better than they knew themselves.

Here are 19 ways of understanding how TikTok became part of American life. The music America listens to, the movies it sees, what conspiracies it believes, how it can make or break a product's success, who it defines as a celebrity — all of it has been influenced by TikTok, for good and bad. Even if you've never opened the app, you've lived in a culture that exists downstream of what happens there.

<b>Hollywood</b>	<b>News</b>	<b>Conspiracy Theories</b>
<b>Trends</b>	<b>Music</b>	<b>National Security</b>
<b>School</b>	<b>The Other Apps</b>	<b>Your Brain</b>
<b>Fashion</b>	<b>Cooking</b>	<b>Political Campaigns</b>
<b>Shopping</b>	<b>Market Power</b>	<b>Mental Health</b>
<b>Privacy</b>	<b>Advice</b>	<b>Your Bank</b>

there.

Hollywood

Trends

School

Fashion

Shopping

Privacy

Your Screen

News

Music

The Other Apps

Cooking

Market Power

Advice

Conspiracy Theories

National Security

Your Brain

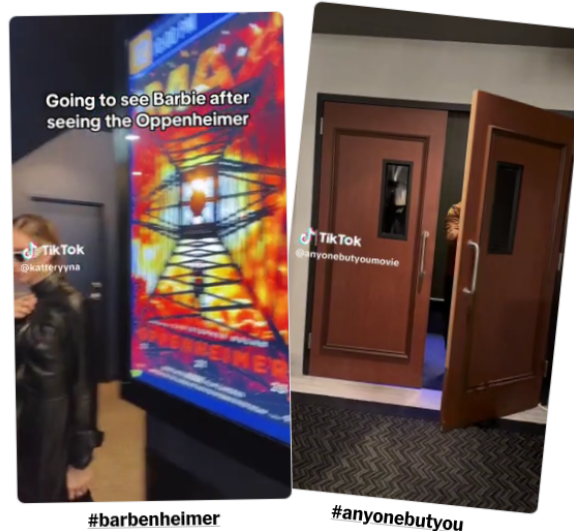
Political Campaigns

Mental Health

Your Bank

# It Became Hollywood's Favorite Marketing Machine

By Brooks Barnes



**Insular, slow-changing Hollywood** responded to TikTok's arrival in 2018 in typical fashion: complete dismissal. We're way too busy making *pictures* to worry about some new short-form video app.

Then came denial. (This thing is just another fad.) Next, fear. (Teenagers and young adults are never going to the movies again!)

But there's a plot twist: Hollywood has come to see TikTok as indispensable.

"Anyone But You," a Sony romantic comedy starring Sydney Sweeney and Glen Powell, arrived to a piddly \$8 million in ticket

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"Anyone But You," a Sony romantic comedy starring Sydney Sweeney and Glen Powell, arrived to a piddly \$8 million in ticket sales over Christmas weekend. The movie turned into a full-fledged hit (\$219 million) after TikTok users (at the urging of Sony) began making videos of themselves re-enacting the credit sequence.

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TikTok also served as a ticket-selling machine for "M3gan," a Universal-Blumhouse horror movie about a sassy robot that has spawned a new franchise; "Wonka," which debuted in December and collected \$632 million; and the Barbenheimer box office phenomenon, otherwise known as "Barbie," with \$1.4 billion, and "Oppenheimer," with about \$1 billion. Rote glamour shots and insipid interviews — ye olde studio publicity tools — don't work on TikTok; users want behind-the-scenes "realness." Hence "Oppenheimer" stars [goofing in a hotel hallway](#) before a premiere, and pink-clad "Barbie" stars [cavorting on the floor with puppies](#).

"Now that studios have figured out how to harness TikTok, the last thing they want is for it to go dark," said Sue Fleishman, a former Universal and Warner Bros. executive who is now a consultant. "That would actually be a big problem."

## It's Gen Z's Walter Cronkite

By Sapna Maheshwari



# It's Gen Z's Walter Cronkite

By Sapna Maheshwari



Recently, V Spehar has posted TikTok videos telling viewers what they might have missed from President Biden's State of the Union address, the first 15 actions that former President Donald J. Trump said he would take if he's re-elected in November and Caitlin Clark's WNBA starting salary.

Mx. Spehar posts to more than three million followers from the handle @UnderTheDeskNews and films many clips lying on the floor, a gimmick that began as an effort to differentiate from the authoritative tone of traditional television news anchors. The style of communication has resonated enough to make Mx. Spehar a regular at White House briefings with social media influencers.

News aggregation and analysis accounts like Mx. Spehar's are shaping the discourse about current events in the United States, especially among young people. They're a modern version of old-school bloggers — users respond to the personal tone, and the editorializing. ([Some creators](#) have even built followings simply by reading print news articles to their followers.)

Pew Research Center has found that about one-third of 18- to 29-year-olds say they get news regularly on the platform, far outpacing people in other age groups.

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In 2023, about 14% of American adults said they regularly got news on TikTok,

Pew Research Center has found that about one-third of 18- to 29-year-olds say they get news regularly on the platform, far outpacing people in other age groups.

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In 2023, about 14% of American adults said they regularly got news on TikTok, compared with just 3% percent in 2020.

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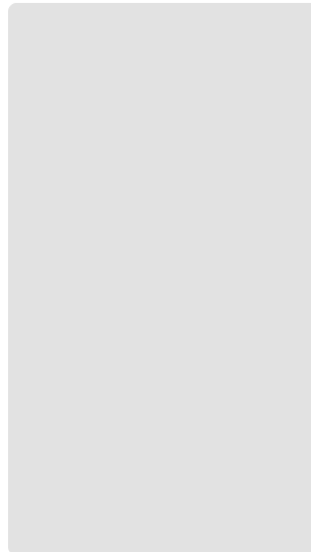
Other sites have similar draws. Roughly 16 percent of all American adults get their news from Instagram, and a similar amount from X. Far more people consume news on Facebook and YouTube.

The appeal of TikTok and other social sites has made mainstream outlets nervous, and has raised some concerns around accuracy and context as original reporting is funneled through other accounts. The Wall Street Journal has [more than 340,000 followers](#) on TikTok, while The New York Times has [nearly 630,000](#) — numbers that pale in comparison with the followings of individual commentators like Mx. Spehar.

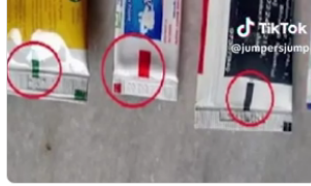
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# It Supercharges Conspiracy Theories

By Tiffany Hsu



#conspiracy



#conspiracy

Several dentists recently took to TikTok to debunk a conspiracy theory: that toothpaste tubes were printed with secret codes signaling their true ingredients to powerful people in the know.

Their efforts garnered far fewer views than the video that offered up the theory in early January. Not counting all the times the post was referenced in videos by other TikTok users, it has been seen more than seven million times in less than three months.

Tall tales are common on TikTok, where a flimsy patchwork of assumptions and coincidences — often concerning the schemes of a nefarious echelon of elites — is illustrated by dramatic images generated by artificial intelligence and spooky musical tracks. (Other such hits include false theories that President Joe Biden rigged the [Super Bowl](#) in favor of the Kansas City Chiefs or that [Justin Bieber](#) had signaled he was a victim of PizzaGate. False allegations of [voter fraud](#) also abound.)

Abbie Richards, a misinformation researcher who studies the TikTok ecosystem, said that such posts thrive because of the platform's potent recommendation algorithms and its low barrier to entry.

TikTok allows users to earn money from their videos through tools such as its creator rewards program and livestream subscriptions. Conspiracy theories, which draw high engagement, are one of the [most profitable categories](#), said Ms. Richards, a senior video producer at the liberal watchdog group Media Matters.

"It's like candy for your brain — it tells a story that simplifies the world in a way that feels good to you," she said.

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A quarter of American adults who use the app create 98% of its videos.

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The toothpaste theory was promoted by two young men known for conspiratorial content, including popular posts about satanic hit men and [Britney Spears](#). They claimed that the colored dots on toothpaste tubes correspond to all-natural, medicinal or chemical ingredients.

The post was quickly reposted, copied and stitched into reaction videos. Some came from dentists, who explained that the dots were actually used during the toothpaste packaging process to help

conspiratorial content, including popular posts about satanic hit men and [Britney Spears](#). They claimed that the colored dots on toothpaste tubes correspond to all-natural, medicinal or chemical ingredients.

The post was quickly reposted, copied and stitched into reaction videos. Some came from dentists, who explained that the dots were actually used during the toothpaste packaging process to help guide manufacturing equipment to properly cut and seal the tubes.

That conspiracy theory is not new — they rarely are on TikTok. Colgate, a major toothpaste manufacturer, [addressed the color patch rumor](#) last year and said that “as much as we love cracking secret codes, this one actually has nothing to crack because it’s entirely untrue.”

Even silly rumors, however, can spin out from TikTok into real-world harms. The baseless concerns that store-bought toothpaste tubes might hide toxic ingredients reignited recommendations to opt instead for [unproven](#) and [potentially damaging](#) homemade options.

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## It Spawned a Zillion Trends. Or, at Least, “Trends”

By Madison Malone Kircher

Including but certainly not limited to: [Butter boards](#), [sexy water](#), [blueberry milk nails](#), [unexpected red](#), [lucky girl syndrome](#), [first-time-cool syndrome](#), [bed rotting](#), [75 soft](#), [75 cozy](#), [bookshelf wealth](#), [loud budgeting](#), [broccoli freckles](#), [strawberry makeup](#), [glazed donut skin](#), [latte makeup](#), [cowboy copper hair](#), [old money blonde](#), [expensive brunette](#), [orange peel theory](#), [quiet luxury](#), [stealth wealth](#), [tomato girl summer](#), [indie sleaze](#), [coquette](#), [looksmaxxing](#), [male perms](#), [vanilla girl](#), [clean girl](#), [soft girl](#), [coastal grandma](#), [coastal cowgirl](#), [low-high visual weight makeup](#), [sleepy-girl mocktails](#), [fluffy coffee](#), [shrimp tree](#), [girl math](#), [girl dinner](#), [mob wife](#), [clowncore](#), [balletcore](#), [Barbiecore](#), [royalcore](#), [corecore](#).

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## It Got Taylor

[mocktails](#), [fluffy coffee](#), [shrimp tree](#), [girl math](#), [girl dinner](#), [mob wife](#), [clowncore](#), [balletcore](#), [Barbiecore](#), [royalcore](#), [corecore](#).

# It Got Taylor Swift to Defy Her Label

By Ben Sisario



**For the music industry**, TikTok has become a potent but unpredictable promotional outlet, and a vital one in the race to mint a new hit. Young artists like Olivia Rodrigo and Lil Nas X saw their popularity explode on the platform, and acts like Fleetwood Mac have seen decades-old songs get a boost from memes on the app.

But TikTok is also the latest tech platform to draw the anger of the music industry for low royalty rates. In February, Universal Music Group, which represents artists like Ms. Rodrigo, Taylor Swift, Billie Eilish and Drake, [withdrew the rights to its music](#) on the app, saying that TikTok was trying to “bully” the company to accept low terms.

ADVERTISEMENT

Within days, millions of TikTok videos using music from Universal

... saying that TikTok was trying to “bully” the company to accept low terms.

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Within days, millions of TikTok videos using music from Universal artists went mute, and since then guessing which side would blink first has become a media-business parlor game.

Last week, however, Ms. Swift — who releases her music through Universal, but has owned the copyrights to her work since 2018 — broke ranks and [put her songs back on TikTok](#), just ahead of the release of her next album on Friday. Now the question is, will other artists will follow.

## It Might Just Be a Weapon

By David E. Sanger

**For years I thought TikTok was mostly a parenting problem**, and had only tangential bearing on what I cover: threats to national security. It took a while — and a lot of conversations with both tech firms and government officials — for me to become concerned about the potential that it could also pose a major problem on that front.

Not because the company’s Chinese owners could figure out your dance-move preferences, but because the algorithm at the core of the app is wrapped in such mystery.

So what’s the issue? The algorithm doesn’t belong to TikTok; it is provided by engineers working for ByteDance, the Chinese company that controls the platform and develops the code in enormous secrecy in laboratories around the world, in Beijing, Singapore and Mountain View, Calif.

**No one outside the company knows exactly what goes into those algorithms.**

The Chinese government is intent on keeping it that way. It has issued regulations that require Beijing’s regulators to grant permission before any ByteDance algorithms can be licensed to outsiders. They are unlikely to do so.

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And so, as long as it is written by ByteDance, and can't be picked apart on the outside, there will always be the risk that it will become a pipeline for influencing citizens, and thus voters, in subtle and not-so-subtle ways.

Senator Mark Warner, the chairman of Senate Intelligence Committee, has noted that because TikTok has emerged as a major source of news — and because it collects data on users that the Chinese government could find useful, even crucial — it poses a serious threat, and could become “the most powerful propaganda tool ever.”

**Of course, that threat is mostly hypothetical at this point.**

At least based on what the United States has made public. The intelligence agencies have been giving closed-door briefings, but presumably there hasn't been a classified blockbuster, since there would likely be great pressure to declassify it.

Still, we have seen waves of new influence campaigns flowing out of China — much of it aimed at nations other than the United States. While TikTok has not been at the center of those campaigns, clearly, the Chinese have learned a lot in the past few years, including from the Russians. (Researchers have [also found](#) that topics commonly suppressed in China, including about the Tibetan and Uyghur populations, appear to be unusually underrepresented on TikTok compared with Instagram.)

This is not a problem that would be solved by simply selling TikTok's operations to an American buyer. Sure, the bill that went through the House bans a new, Western-owned TikTok from having any “operational relationship” with ByteDance, “including any cooperation with respect to the operation of a content recommendation algorithm.” Good luck with that — TikTok would no longer be TikTok.

The real question is whether anyone gets to look under the hood. Because to make Americans trust TikTok, the country will need an early warning system, something that will assure everyone that a technology that became popular because it generated memes and celebrates self-expression does not become a conduit for a foreign government interested in subtly influencing how we vote.

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## It Turned the School Bathroom Into a Movie Set

By Natasha Singer



**Southern Alamance Middle School**, a public school in Graham, N.C., recently came up with a novel way to combat student distractions from social media. Or at least to curb the phenomenon that some teachers have dubbed “Toilet TikToks.”

The problem: Educators there noticed a spike in the number of students asking to leave class — sometimes as frequently as nine times per day — to go to the bathroom, where they made TikTok videos.

The solution: Administrators decided to remove the bathroom mirrors that students used to film TikToks and primp for their close-ups. They also introduced an online system that issues students digital hall passes when they want to be excused from

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The solution: Administrators decided to remove the bathroom mirrors that students used to film TikToks and primp for their close-ups. They also introduced an online system that issues students digital hall passes when they want to be excused from class and that allows administrators to track students' locations. "Since removing the mirrors," administrators wrote in a message to parents in January, "we have seen a drastic decrease in bathroom visits from students asking to be excused just to make videos."

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Toilettoks — a TikTok genre, dating back at least five years, in which students use school bathrooms as film sets for [dance routines](#), lip-syncing clips or critiques of unclean lavatories — are one of the milder social media annoyances for schools.

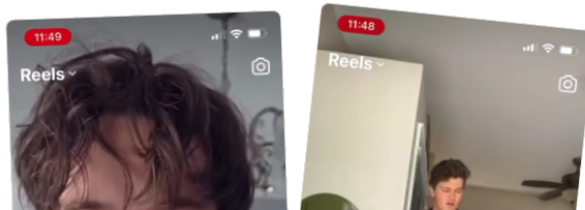
Across the United States, students have also used school bathrooms as arenas to stage, film and post videos of bullying, physical assaults on schoolmates and [acts of vandalism](#).

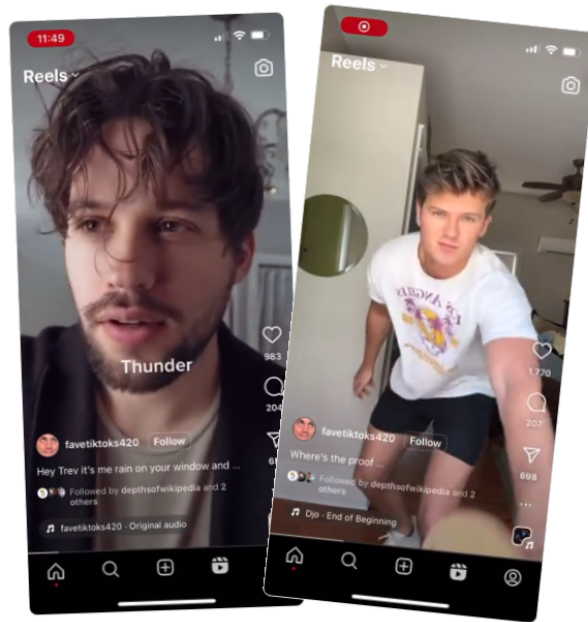
In March, Alamance-Burlington schools announced that it was joining dozens of other U.S. districts that have filed lawsuits accusing social media platforms, including TikTok, of unfairly ensnaring young people.

"We're seeing the negative impacts of social media on our students every day," Kristy Davis, the acting superintendent of Alamance-Burlington schools, said. "Their well-being has to be the top priority."

## It Took Over All the Other Apps

By Amanda Hess





**My favorite Instagram account** is a collection of TikToks. Curated by the videographer Leia Jospé, [@favetiktoks420](#) hunts for Gen-Z's ickiest thirst traps and bleakest acting exercises and delivers them to me in a [Millennial-safe package](#), uploading them directly to a social network that I actually use.

By the time TikTok debuted, in 2017, I was already in my 30s and too old and lazy to work another app into my rotation. Instagram and Twitter were distracting enough. But now those platforms lie downstream of TikTok's creative wellspring, waiting for bits of its most popular content to drift into the open internet. TikToks float into my friends' Instagram stories, percolate into our group chats, swirl into my Twitter feed. My phone is always bleating with its [outro sound effect](#). I rarely open TikTok, but I watch TikToks all the time.

TikToks let loose a chaotic element into Instagram's internet mall, and they break the monotony of Twitter's boosted tech-bro threads. They stock YouTube compilations and spark Facebook debates and fuel trend pieces.

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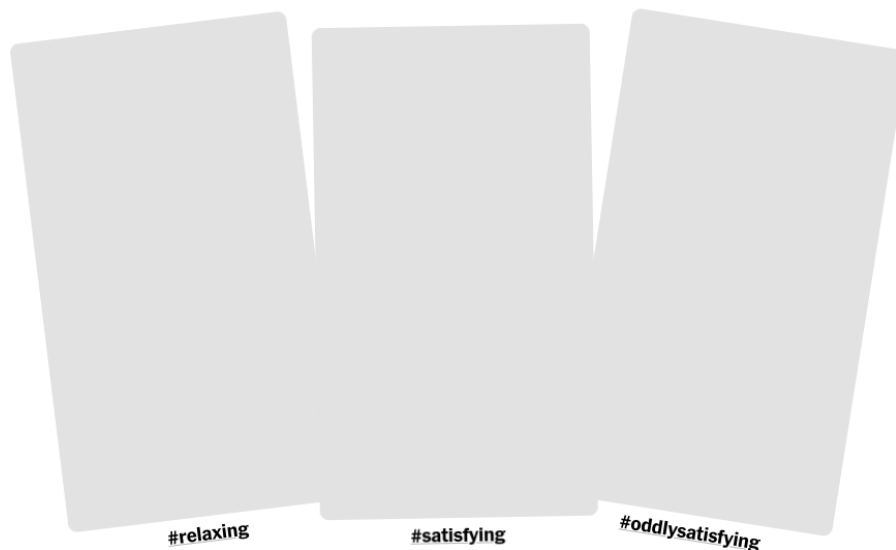
If TikTok were to disappear, it would feel, at least for a while, like the internet's big content spigot had been turned to a trickle. Rival platforms have tried to remake themselves in TikTok's image — building in short-form videos, algorithmic timelines and searchable sound clips — but have failed to reproduce the hypnotic energy of

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But any network that hopes to capitalize on its own popularity will disrupt its product. Even as other social media platforms try to become TikTok, TikTok is trying to become them, lengthening its videos to compete with YouTube and introducing an [e-commerce platform](#) to “drive meaningful shopping experiences” and rival Instagram. Eventually some new, inexplicably addictive platform will rise in its place. And I will rely on the kindness of some slightly younger strangers to show me what's on it.

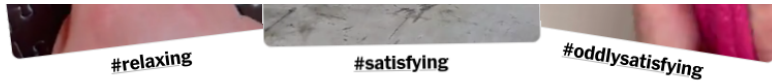
## It Mimics a Flow State

By Dana G. Smith



Much has been said about the “[addictive design](#)” of TikTok. But what is the social media site actually doing to our brains?

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Much has been said about the “[addictive design](#)” of TikTok. But what is the social media site actually doing to our brains?

There is very little research looking at what goes on inside people's heads while they're using TikTok. But one small study conducted on Chinese university students used magnetic resonance imaging to [compare brain activity](#) while they watched personalized TikTok videos (ones the algorithm had selected based on their past use) versus generalized ones (videos the app recommended to new users).

The students had greater activity in several areas of the brain, including ones associated with reward, attention and processing social information, while viewing personalized videos. In other words, the algorithm did its job.

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Other social media platforms have been shown to [turn on similar brain regions](#). So what makes TikTok different? Some experts have proposed that it can send users into a “[flow state](#)”: the experience of being so absorbed in a task that the person loses track of time. Backing this up, [one study](#) found that TikTok users reported experiencing higher levels of flow than Instagram users.

“Flow” is often associated with work or hobbies — activities that are challenging enough to be engaging but not frustrating. Watching videos doesn't require skill the way that many flow-inducing activities do, yet the app is able to induce the feelings of enjoyment, concentration and time distortion that are characteristic of flow — possibly because of the algorithm's immersive quality.

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# It Won Over the Snobbiest Gatekeeper

By Vanessa Friedman

# OVER THE Snobbiest Gatekeeper

By Vanessa Friedman



Is there any more official signal that a business titan has arrived at the heart of the American social-financial-artistic-political power nexus than being invited to be an honorary host of the annual Met Gala, a.k.a. “the party of the year”? Any more glamorous recognition than being asked to join its convener, the Vogue editor, Anna Wintour, in the Metropolitan Museum’s soaring atrium as the great and the good of Hollywood, fashion, sports, Wall Street and Washington swan past?

On May 6, TikTok will be [lead sponsor](#) of both the party and the museum fashion exhibition it celebrates. The company’s chief executive, Shou Chew, has been named an honorary chair of this year’s gala, along with the Loewe designer Jonathan Anderson, while Ms. Wintour, Zendaya, Bad Bunny, Jennifer Lopez and Chris Hemsworth are the event’s co-chairs.

That placement would put TikTok firmly in the tradition of previous gala sponsors like Amazon, Instagram and Apple — tech companies bedazzled by the Old Establishment, which in turn is bedazzled by their blush of upstart cool.

It is an acknowledgment, if any were needed, of the prominent role the app has come to play in fashion in a mere few years.

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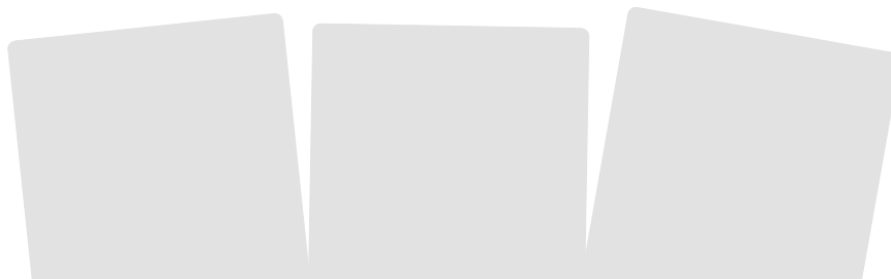
It was only in 2021, after all, that Ms. Wintour was criticized for inviting TikTok stars such as Addison Rae and Dixie D'Amelio to the party — for somehow cheapening it by catering to the buzzfeed machine of the smartphone, rather than the elite. After all, not just anyone can get an invite, even if they can afford the \$50,000 price tag for a seat; Ms. Wintour vets every guest, and the price of admission has to do with cultural currency even more than actual currency.

Which is why, of course, TikTok belongs. Despite the fact that all social media is forbidden inside the party.

Fast-forward three years, and there are more than 75 billion views associated with the #TikTokfashion hashtag; almost 500 million with #2023Gala alone. Luxury brands routinely sign up TikTok stars as brand ambassadors along with every other kind of star, hoping to access their audience (received relevance is something Vogue might be getting out of the association, too). And thus is created a virtuous — or vicious? — cycle in which TikTok feeds the gala machine, which feeds TikTok, which is the vicarious experience that has come to feed us all.

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By Ellen Barry





**TikTok is a mother lode of mental health content**, filled with compelling first-person accounts of everything from major depression to selective mutism. Depending on your perspective, that's either a very good thing — or concerning.

Corey Basch, who [analyzed 100 popular TikTok videos](#) with the hashtag #mentalhealth for a 2022 study, emerged concerned about the looping effect of the algorithm.

“What’s so important and disturbing to recognize is the downward spiral that users can get swept into,” said Dr. Basch, a professor of public health at William Paterson University. “If one is drawn to posts related to despair and anxiety, they can easily spend hours exposed to repetitive content known as an echo chamber.”

The surge of content about mental health has meant that young people are more likely to self-diagnose before seeing a clinician, [psychiatrists report](#). Diagnoses for ADHD and anxiety disorders shot up during the pandemic years, especially among young people.

Some researchers have expressed concern about how profit motives may feed into these trends, since platforms often feature advertising from app-based mental health services, and influencers have sponsorship deals with such companies.

“They say we can diagnose you really quick, just take this five-question quiz and we can send you a prescription in a nice little box,” said Holly Avella, a Ph.D. candidate at Rutgers University who has researched mental health and social media.

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Researchers also warn that TikTok videos can [deliver](#)

box,” said Holly Avella, a Ph.D. candidate at Rutgers University who has researched mental health and social media.

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Researchers also warn that TikTok videos can [deliver misinformation](#). A review of literature published last year found that around one-fifth of videos mentioning cognitive behavioral therapy were inaccurate, describing it as ineffective or harmful.

But some users credit the app with breaking open the national conversation around mental illness.

“You can sit there on your pedestal and pooh-pooh it all you want,” said Kate Speer, who has used [her social media feeds](#) to describe her experience of serious mental illness. TikTok is helpful for “the very people who are struggling the most, those who don’t have access to services in the real world and who might even be so disabled by mental illness that they are locked in their houses.”

## It’s the Latest Campaign Tool

By Michael M. Grynbaum



#campaign



#campaign

President Biden [turned down](#) an opportunity to appear on CBS and reach tens of millions of potential voters tuning in for this year's Super Bowl. Instead, he released [his first TikTok](#).

"Chiefs or Niners?" asked a disembodied, youthful-sounding voice. "Two great quarterbacks; hard to decide," replied the president, casually dressed in a half-zip sweater and khakis. The caption was "lol hey guys."

Team Biden, [like most other major politicians](#), had previously resisted joining the app because of security concerns related to its Chinese ownership. (The Donald Trump campaign is not on TikTok, and Mr. Trump has expressed divergent views about the app, proposing a ban during his presidency but recently criticizing an attempt by Congress to curtail its use in the United States.)

Giving in was a nod to the irrefutable importance of TikTok, where about 14 percent of American adults regularly get news, in an election year. There's now a small studio in the Biden campaign office in Wilmington, Del., where staff members can film "candid" videos with the candidate.

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62% of Americans between 18- and 29-years-old use the platform, greater than the share of that age group that voted in the last presidential election.

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Campaigns have a rich tradition of adapting to the latest technological fads, from wireless radio to television sets and, more recently, to social platforms like Facebook and Snapchat. Many of these efforts share a [how-do-you-do-fellow-kids](#) quality to them, and in an attempt to avoid appearing out of touch, the Biden campaign relies on young, digitally fluent aides to host its TikToks.

It works, sometimes. One [video](#) claims to have Trump "caught on camera" making offensive remarks, an attempt to replicate the amateur spontaneity of many TikToks. (In reality, it's someone's iPhone aimed at a TV broadcast of a Trump speech.) Other times it comes across try-hard-y, like [the video](#) that dismisses a post by Representative Jim Jordan using a popular "[I Ain't Reading All That](#)" online meme.

The @bidenhq account, though, is hovering around 299,000 followers — still small beans in the TikTok world. But in a close

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The @bidenhq account, though, is hovering around 299,000 followers — still small beans in the TikTok world. But in a close race, every lol counts.

By Jordyn Holman



Most months, when Kiara Springs posts on her TikTok account about mini skirts or linen tops she finds on Amazon, she earns \$10,000 to \$12,000 for getting people to buy what she suggests. During her biggest month, Ms. Springs, 25, raked in \$50,000 for her posts.

TikTok is now a multibillion-dollar shopping experience — and companies have glommed on. The internet might have killed malls, but now it is one big mall.

Because the bite-size videos are addictive, and partly because advertising on the platform is relatively inexpensive for smaller brands, the app has become a core part of many companies' marketing plans. Brands say that their videos populated with everyday people can more easily go viral than on, say, Instagram, where they often need to pay expensive influencers. And people who notice shopping-related content spend more time on TikTok.

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The average user spends nearly an hour  
— 58 minutes — per day on the  
platform.

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Last year, TikTok debuted a prominent shopping feed on the app that now allows people to buy goods directly from a wide array of vendors. Some fashion and beauty brands think about the TikTok content they could make for a product before developing it.

Fiona Co Chan, a co-founder of Youthforia, a beauty and skin care brand with [roughly 190,000 followers](#) on the app, says if she can't think of 200 TikTok videos that she could make for a product, she'll likely scrap it entirely.

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By Santul Nerkar

When a product goes viral on TikTok, those views often translate directly into increased sales. In some cases, the effect has been dramatic:



## Stanley tumblers

Company revenue last year was  
£750 million, up from £73 million in



### Stanley tumblers

Company revenue last year was \$750 million, up from \$73 million in 2019, after the product became a sensation on TikTok.



### Feta cheese

Demand jumped 200 percent at one grocery chain in 2021, after a recipe for baked feta pasta took off and amassed more than 20 million views.



### CeraVe

Sales increased by more than 60 percent in 2020 after skin care became a lockdown pastime and TikTok users discovered the drugstore mainstay.



### Cat Crack Catnip

It briefly sold out in 2021 after TikTok users posted videos of their cats going crazy for it.



cats going crazy for it.



### Isle of Paradise tanning spray

It sold out in 48 hours in 2021 after a post about it went viral.



### Prepdeck kitchen storage products

They went out of stock in 2021 after going viral.

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## It Turned Recipes Into Concepts

By Becky Hughes





**Cooking is different now.** One crucial distinction between the hit recipes of today (like [Emily Mariko's salmon and rice bowl](#)) and those of yesteryear ([The Silver Palate's chicken marbella](#)) is the medium.

Before, a static image was all you had to get the point across in a recipe, with step-by-step instructions printed in a cookbook.

Now recipes unfold over time. In a 30-second video, there are obvious visual cues that viewers can absorb, techniques they can sink their teeth into. The videos depict process, not just stages, and allow you to [jump-cut](#) your way through a recipe in a few blinks.

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But for all the access to techniques and cuisines that TikTok has provided home cooks, the platform favors concepts, over actual recipes — [eggs fried in a puddle of pesto](#), sandwich fillings [chopped into a homogenous mixture](#), [mini pancakes served like cereal](#). The most shareable recipes are the ones that you can watch once, then turn around and make — no measurements, bake times or reading needed. Just dump, stir, like, follow, repeat.

## It Knows Where You Live

By Kashmir Hill

**Every social media app** is, essentially, a spy in your pocket. When it comes to data collection, TikTok is no worse than the others. The main difference, and the one that's driving the current conversation in Washington, is that TikTok is owned by a Chinese

By Kashmir Hill

**Every social media app** is, essentially, a spy in your pocket. When it comes to data collection, TikTok is no worse than the others. The main difference, and the one that's driving the current conversation in Washington, is that TikTok is owned by a Chinese company.

TikTok, like other apps, seeks a huge amount of information from you, and some pieces of it that can seem innocuous are quite revealing, including:

### **Your I.P. address and location**

An I.P. address is a unique identifier associated with your device or the network you use to get on the internet. TikTok can use your I.P. address and location to determine the advertising you see, but it can also reveal other real-life associations. When people access a social network from the same I.P. address, it reveals that they may know one another offline. ByteDance, which owns TikTok, used I.P. address data collected from [journalists](#) using the app to try to identify company employees who were speaking to them.

### **Your contacts**

Giving TikTok access to the hundreds (or thousands) of numbers and email addresses on your phone — an opt-in feature — lets them draw unexpected insights into your life, such as who your doctors are, your present and former colleagues, your one-night stands, and on and on. TikTok may then recommend you follow them as “people you may know” — and your account, in turn, will be suggested to them, so beware of sharing contacts if you're trying to stay anonymous. Even if you don't share your contacts, TikTok can look for the phone or email address you gave the company in other users' address books unless you go into the privacy settings and turn off “Suggest Your Account to Others.”

### **Your messages**

Unless your messages are end-to-end encrypted, which they are not on TikTok, they can be reviewed by the company storing them for you.

### **Your viewing history**

Are you obsessed with steamy Twilight highlight reels or home repair videos? TikTok knows.

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Are you obsessed with steamy Twilight highlight reels or home repair videos? TikTok knows.

## It Teaches 22-Year-Olds

By Anemona Hartocollis



**Shelley Polanco is 22, and a senior at Brandeis.** As she faces life after college, she is not looking for practical advice about, say, jobs and careers. She yearns instead for a guidebook to what it feels like to be an adult, something to tell her about her future emotional life and satisfaction.

And so, she likes following TikTok accounts that feature “an older woman of culture, kind of like this auntie figure who gets on TikTok and records ‘things I wish I would have known in my 20s.’”

She’s a fan of [@itsrealllylola](#). “She’s turning 25, and she starts to speak about all the things she’s learned, the ways you maybe want to ignore people’s judgments on you,” Ms. Polanco says. “She’s big on ‘live your life and have fun.’”

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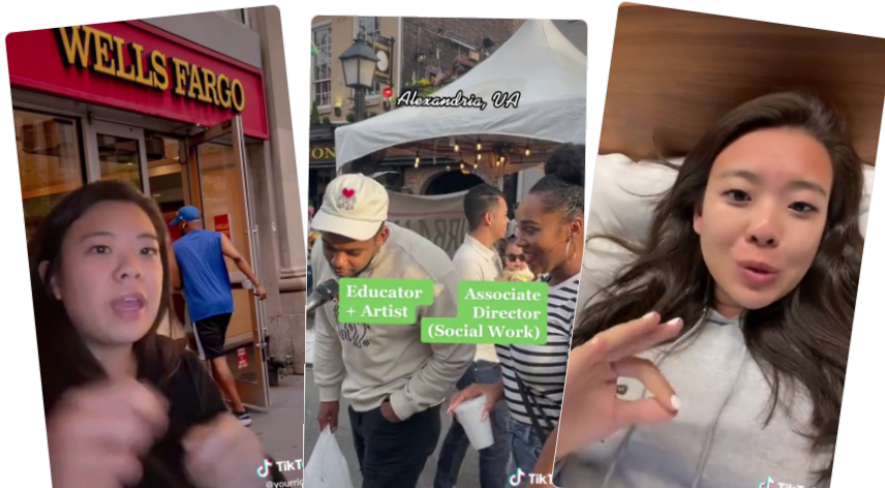
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She peers decades into her future with the help of [Dr. Amanda Hanson](#), “#midlifemuse,” who invites comments about life after 50 from her TikTok followers. Or [Shera Seven](#). “She is this 40-year-old woman, I want to say, giving really brutal dating advice,” Ms. Polanco said.

Ms. Polanco was having trouble seeing more than three months out, and found support from a TikTok transformation coach named [Shannon](#). “I searched, ‘how to write goals,’” she said. “There was this lady walking you through this meditation to visualize your future self, and it was one of the only times I could see an older version of myself. It was so inspirational, I closed the app, got out a piece of paper and started writing.”

## It Helped You Ask for a Raise

By Mike Dang



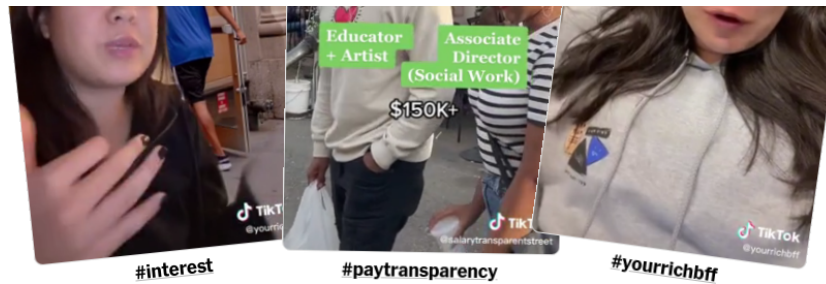
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Addendum - 135



In a [video](#) by the account [@salarytransparentstreet](#) that's been viewed more than 23 million times, a lawyer candidly shares she makes \$134,000 a year, a teacher says she earns \$53,000 and a man who does chemical risk assessments for the federal government divulges he makes \$60,000 a year. The point, according to Hannah Williams, the 27-year-old content creator behind the account, is to help people better understand what they could be earning. (Ms. Williams says she made more than [\\$1 million in 2023 before expenses through her videos](#) and earns revenue from [brand sponsorships and ads](#)).

FinTok, as the money and personal finance community on the app is called, has fundamentally changed the way we accept advice from strangers — and altered how much ordinary people are willing to share about that most taboo subject: how much money they have.

Sure, the app has allowed established finance gurus like Dave Ramsey and Suze Orman to expand their empires. But it has also given rise to people like Vivian Tu, a 30-year-old former Wall Street trader who runs the account [@yourrichbff](#). Ms. Tu, who has 2.5 million followers, offers practical advice on [high-yield savings accounts](#) and [retirement savings](#), but can also take widely discussed [TikTok drama](#) and show people what financial lessons they can learn from it.

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57% of Gen Z users like or leave a comment after watching a video on the platform.

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As with anything on TikTok, scrolling through FinTok videos requires a certain amount of skepticism. There are plenty of cryptocurrency creators on TikTok who like to focus on the potential gains rather than warning people of the risks. There are also crypto scams, including [a rampant one](#) using deepfake videos of Elon Musk. (Ads for crypto or financial services [are banned](#) from the platform, in part to help protect people from getting involved with high-risk investments. )

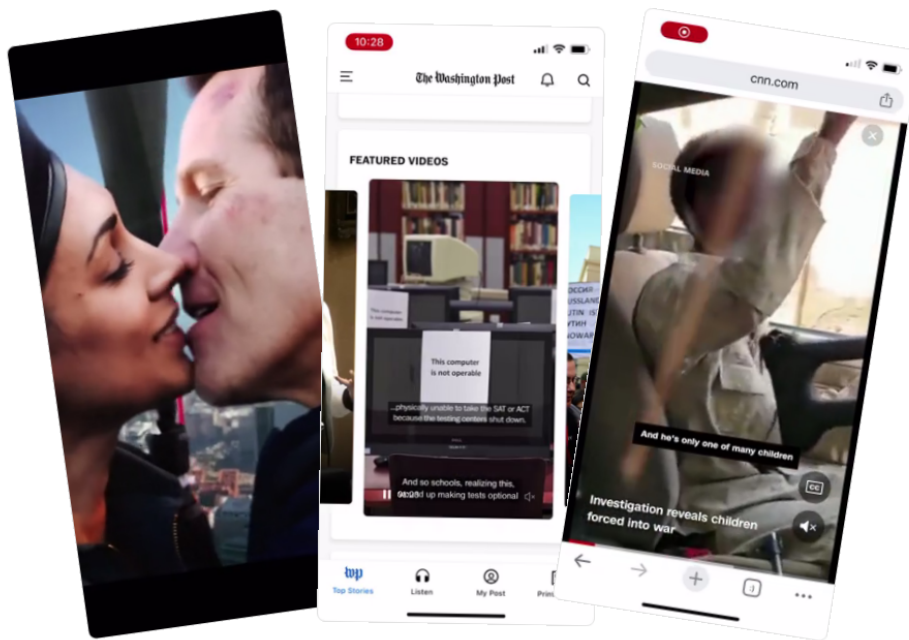
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But often, when scams or bad advice crop up, commenters have no problem offering corrections. When one creator [posted a video](#) about how to get a high credit limit using dubious methods, her comment section quickly filled up with users accusing her of committing fraud. The video was soon deleted.

## It Tilted Your Screen

By Ashwin Seshagiri



TikTok didn't invent vertically oriented videos. But it has been very influential in getting people to watch their screens upright instead of sideways. It's a phenomenon that is sticking elsewhere, with Apple, a professional Spanish soccer league and major news publishers all producing vertical videos. Even The New York Times is on board.

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**Design and development** by Michael Beswetherick

**Editing** by Noreen Malone, Ashwin Seshagiri, Matt Ruby and Sharon O'Neal

**Additional production** by Brent Murray, Amanda Cordero and Joshua Shao

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## The Rise of TikTok

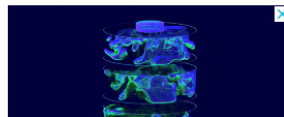
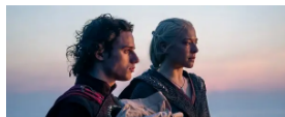
### News and Analysis

- TikTok said that it was introducing [new measures to limit the spread of videos from state-affiliated media accounts](#), including Russian and Chinese outlets, as the company deflects criticism that it could be used as a propaganda tool in a major election year.
- An internal analysis found nearly twice as many pro-Trump posts as pro-Biden ones on TikTok since November, [a sign of the right's use of a liberal-friendly](#) platform.
- In an [attempt to rein in the amount of weight loss posts](#), TikTok said it will work to remove content about drugs like Ozempic, extended fasting and more from the "For You" feed.

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- A food editor documents the high, the low and the mid from [a week's worth](#) of influencer restaurant suggestions on TikTok.
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# EXHIBIT 4


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## TikTok Extends Video Length Limit to 10 Minutes

The ever-expanding social media platform is hoping to achieve a healthy balance between short and long-form content.



Written by  
**Aaron Drapkin**

Published on  
 **March 2, 2022**



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Video-focused social media site TikTok has extended its video length maximum to 10 minutes, more than tripling the previous limit of just three.

TikTok is fast becoming one of the most profitable places for social media managers to implement digital marketing strategies, with one billion active users now using the platform.

Getting the video length right is crucial for apps like TikTok, who have to balance retaining their current userbase who like short-form content with the need to expand to other demographics.

### TikTok Expands its Video Length...Again

The recent move to 10 minute-long videos isn't the first time that TikTok has upped its video length. Before this recent change, the current maximum was three minutes, which itself was an advance on 60 seconds. The original limit on a TikTok video was 15 seconds.

The recent move to 10 minute-long videos isn't the first time that TikTok has upped its video length. Before this recent change, the current maximum was three minutes, which itself was an advance on 60 seconds. The original limit on a TikTok video was 15 seconds.

This seems to fit into line with how short-form video apps generally mature. Apps like Vine initially started with 6-second video limits before extending them to 140 seconds before Twitter (which opened Vine) killed the App off to focus on its own video content.

"We're excited to start rolling out the ability to upload videos that are up to 10 minutes, which we hope would unleash even more creative possibilities for our creators around the world" – TikTok Spokesperson.

Explaining the decision, TikTok said it was "always thinking about new ways to bring value to our community and enrich the TikTok experience" and wanted to again give users "more time to create and be entertained on TikTok."

### Why is TikTok Upping its Video Length Limit?

Like any other social media platform, TikTok is constantly trying to attract new users.

Longer videos have the potential to attract an older audience to the platform and could increase the amount of time people spend actually watching videos on the app rather than searching for 'Part 2s' of videos that are longer than three minutes.

This move may also help TikTok attract creators that excel in making long-form content on sites like YouTube, and in turn, bring more users to the platform.

Many YouTube commentators, lifestyle vloggers, and other content creators that have garnered large fanbases through their long-form video content already publish TikToks, but their main focus is still channels on platforms known for hosting lengthier videos.

Another obvious reason for the change is the fluctuation of short-form video functions in apps known for their long-form (or at least not short form) content, such as Instagram Reels and YouTube Shorts.

### Is TikTok a Good Place to Market my Business?

The stratospheric rise of TikTok, which was first launched in 2016 – as well as the fact advertising on the platform is a lot cheaper than the likes of Facebook – make it a fantastic place to raise brand awareness and advertise products or services.

The **social media management** strategies usually involve a cross-platform approach with the





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on the platform is a lot cheaper than the likes of Facebook – make it a fantastic place to raise brand awareness and advertise products or services.

The **social media management** strategies usually involve a cross-platform approach with the content being made for and posted on a variety of different social media channels.

The ease at which you can achieve high engagement on TikTok, however, is currently unrivaled in the current social media landscape, which explains why so many **social media management tools** now offer support for the platform. Overall, TikTok is much more trend-driven than Facebook or Twitter, for instance, it's got built-in editing tools that other sites don't have and a particularly good algorithm for promoting truly engaging content.

Now, with videos allowed to be up to 10 minutes long, there's even more scope for inventive and original ways to advertise products and services on the platform.

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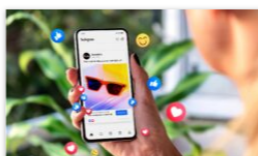
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**Aaron Drapkin**  
Writer

Aaron Drapkin is Tech.co's Content Manager. He has been researching and writing about technology, politics, and society in print and online publications since graduating with a Philosophy degree from the University of Bristol six years ago. Aaron's focus areas include VPNs, cybersecurity, AI and project management software. He has been quoted in the Daily Mirror, Daily Express, The Daily Mail, Computer Weekly, Cybernews, Lifewire, HR News and the Silicon Republic speaking on various privacy and cybersecurity issues, and has articles published in Wired, Vice, Metro, ProPrivacy, The Week, and Politics.co.uk covering a wide range of topics.

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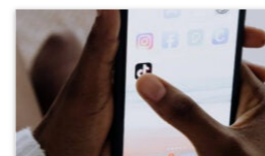
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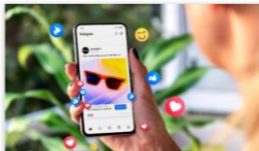


**Aaron Drapkin**  
Writer

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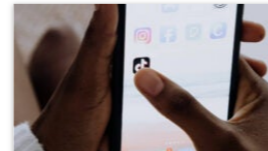
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## TikTok is testing 15-minute uploads with select users

Aisha Malik / 10:22 AM PDT • October 23, 2023

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 **Image Credits:** Patrick T. Fallon / AFP / Getty Images

TikTok is testing the ability for users to upload 15-minute videos, the company confirmed to TechCrunch on Monday. The social media giant said the new upload limit is being tested in select regions with a limited group of users, but declined to share specifics. The new option increases the video upload limit on the app from 10 minutes to 15 minutes.

The change was first noted by social media consultant [Matt Navarra](#), who posted a screenshot of a message shown to users who have access to the new option. According to the screenshot, users can upload longer videos to the platform from both the TikTok app and on desktop.

TikTok initially gained fame for being the most popular short-form video platform, but has slowly been embracing long-form content. The company expanded its [maximum video](#)



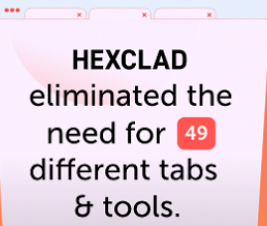
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[Navarra](#), who posted a screenshot of a message shown to users who have access to the new option. According to the screenshot, users can upload longer videos to the platform from both the TikTok app and on desktop.


TikTok initially gained fame for being the most popular short-form video platform, but has slowly been embracing long-form content. The company expanded its [maximum video length to 10 minutes](#), up from three minutes, back in February 2022. Before that, the limit was 60 seconds after initially expanding from 15 seconds.

The expanded video length will give creators even more time and flexibility when sharing things like cooking recipes, beauty tutorials, education content and comedy sketches. Currently, if a video is longer than 10 minutes, creators will direct viewers to a "Part 2" video. With this expanded time limit, creators may no longer have to create an entire video series when sharing content.

The change puts TikTok in even more direct competition with YouTube. The move indicates that TikTok is looking to attract longer-form video creators who normally post content on YouTube. In the past, TikTok was seen as the platform for short-form content, while YouTube was seen as the home for long-form content. The past few years have blurred the lines between the two companies as TikTok embraces longer videos and YouTube adopts shorter videos with Shorts.


It's worth noting that TikTok has also inched further into YouTube's territory with a [horizontal full screen mode](#) that's being tested in select regions.

It's likely that not everyone will welcome the new video time limit. TikTok is known for short and entertaining videos, so that's probably what people go to the platform for, not necessarily long videos. Not everyone has an appetite for long videos, which TikTok seems to be aware of given its recent launch of a feature that lets you fast-forward videos by holding down the right-side of a video.




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TikTok did not say if or when it plans to roll out the change to everyone.



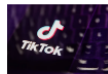
### TikTok scores sizable Disney deal including a content hub and publisher partnership

TikTok has landed Disney as its latest big-name publishing partner for its premium ad product, Pulse Premiere, announced earlier this year. The company will join other large publishers, including NBCU, Condé Nast, DotDash Meredith, BuzzFeed and more, which offer brand-safe videos for marketers to place their ads around. The new deal will also see TikTok ... [Continue reading](#)

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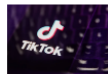
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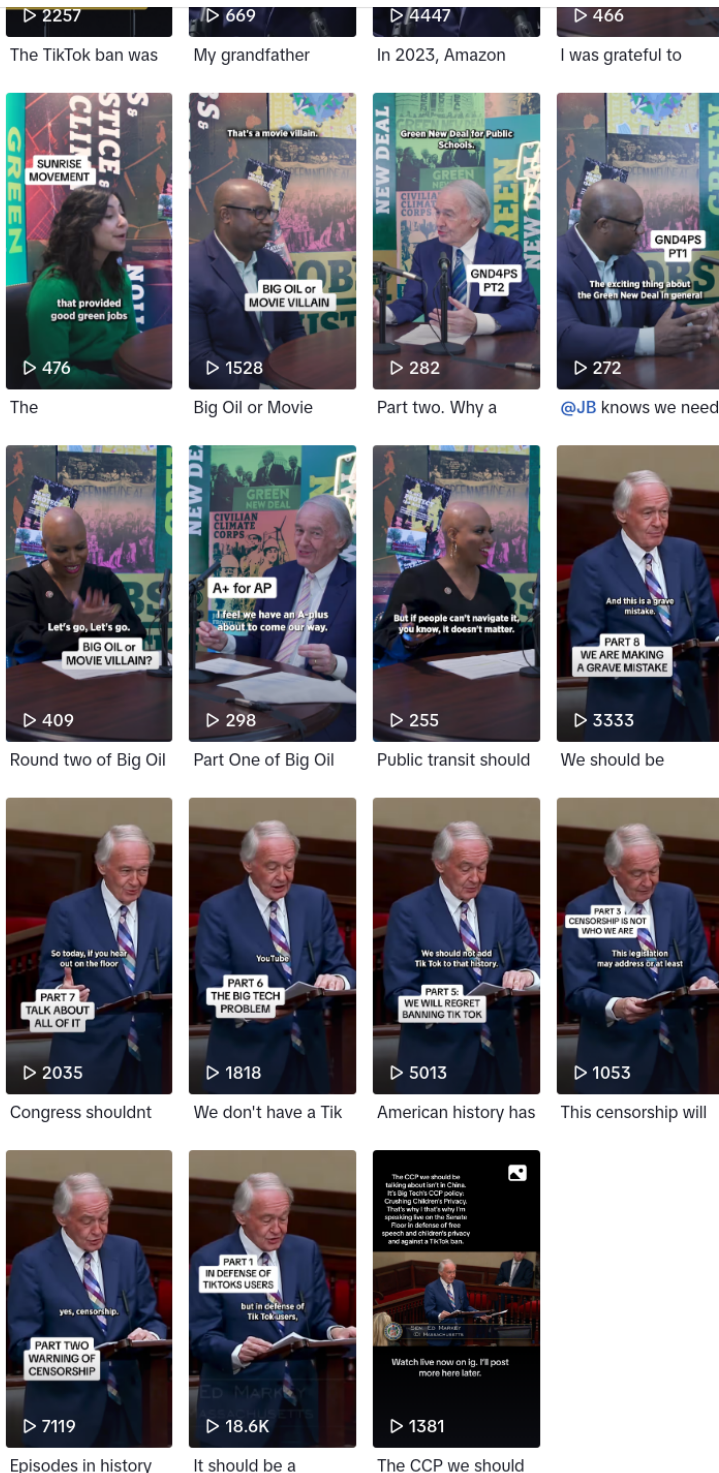
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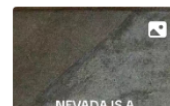
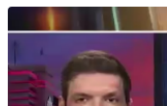
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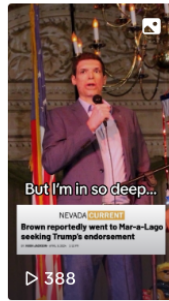
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Jacky capping the


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Our people know


**Video 5:** (305 views)  
  
Jacky fights for


**Video 6:** (339 views)  
  
We WILL ensure


**Video 7:** (250 views)  
  
Nevada students are


**Video 8:** (88 views)  
  
When you're


**Video 9:** (281 views)  
  
Senator Rosen took


**Video 10:** (285 views)  
  
Jacky Rosen es muy

**Video 11:** (323 views)  
  
Jacky Rosen works

**Video 12:** (171 views)  
  
My team had so

**Video 13:** (764 views)  
  
Nevadans ❤️ Jacky

**Video 14:** (720 views)  
  
Nevadans ❤️ Jacky

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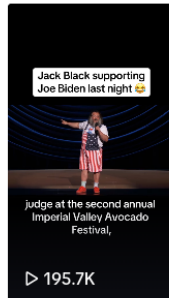
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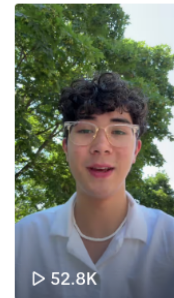
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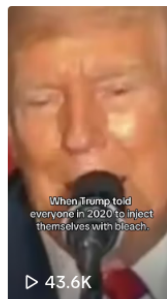
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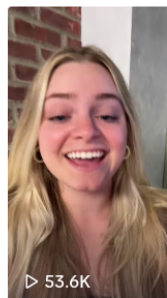
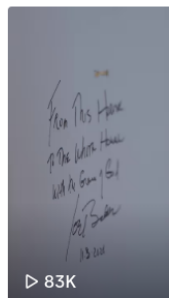
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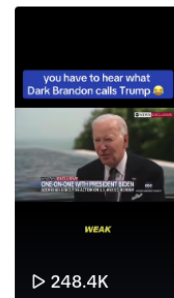
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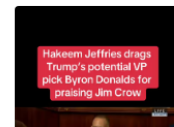
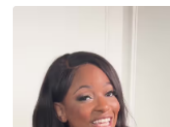
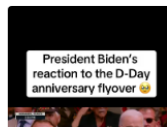
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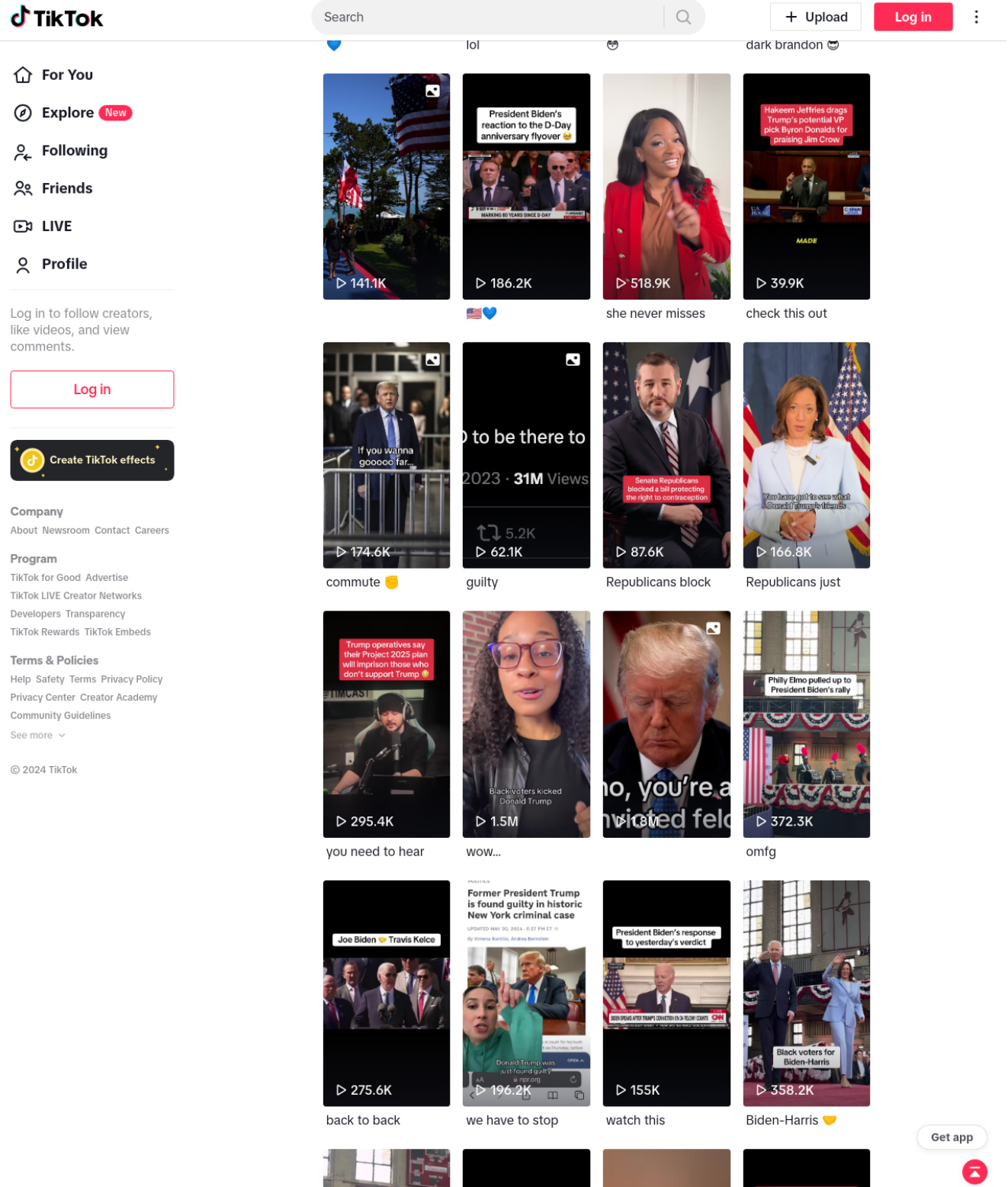
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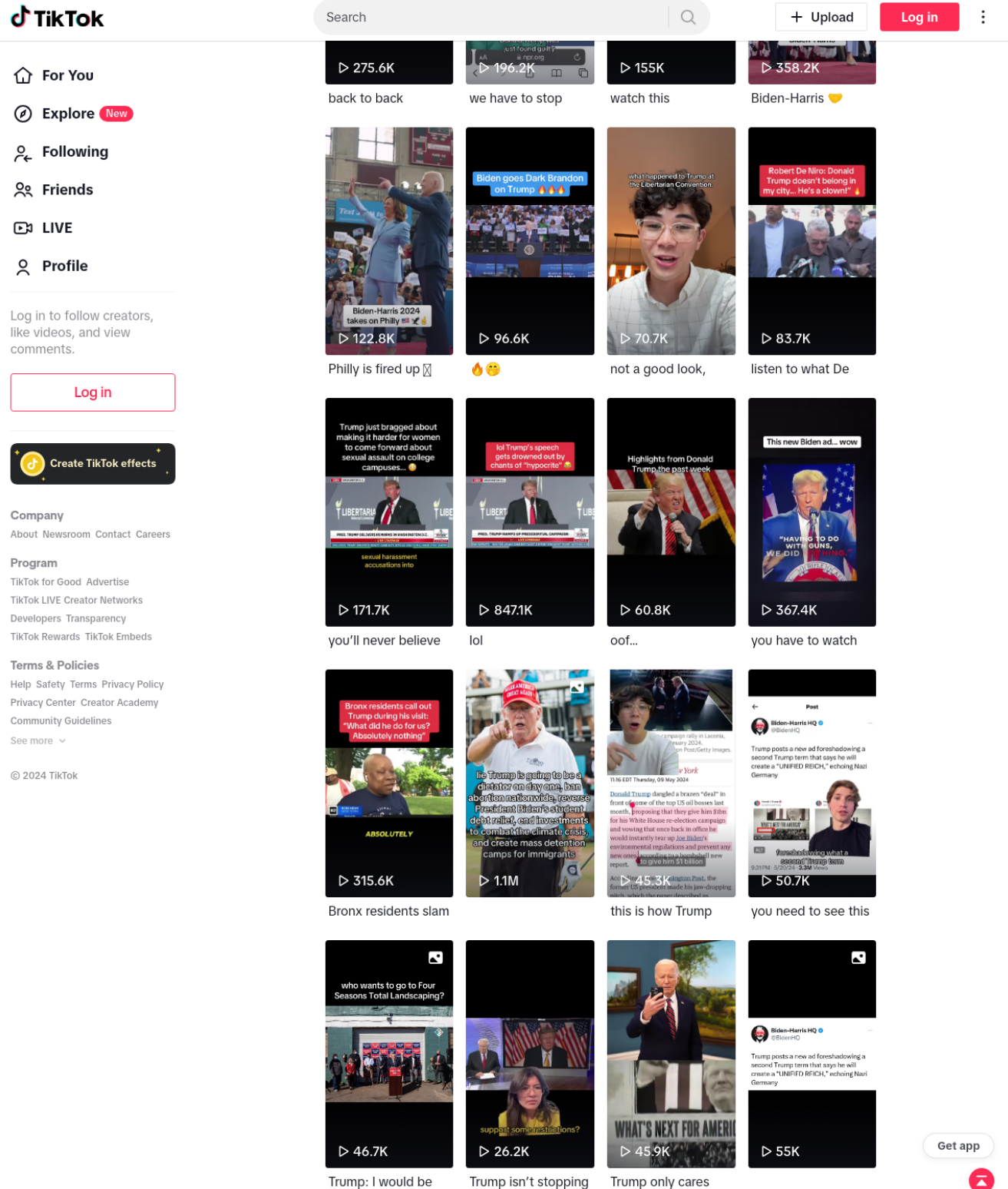


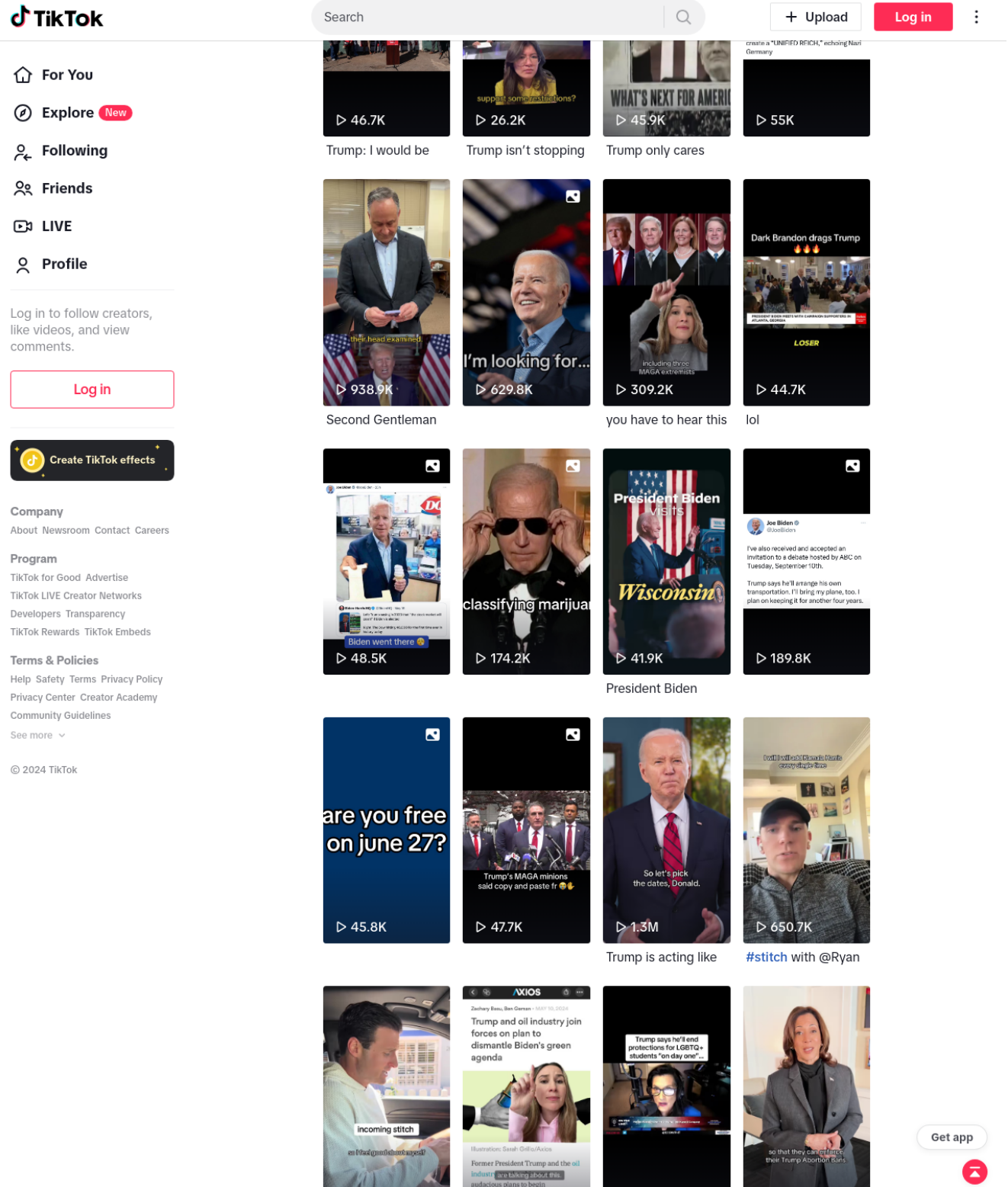
dark brandon

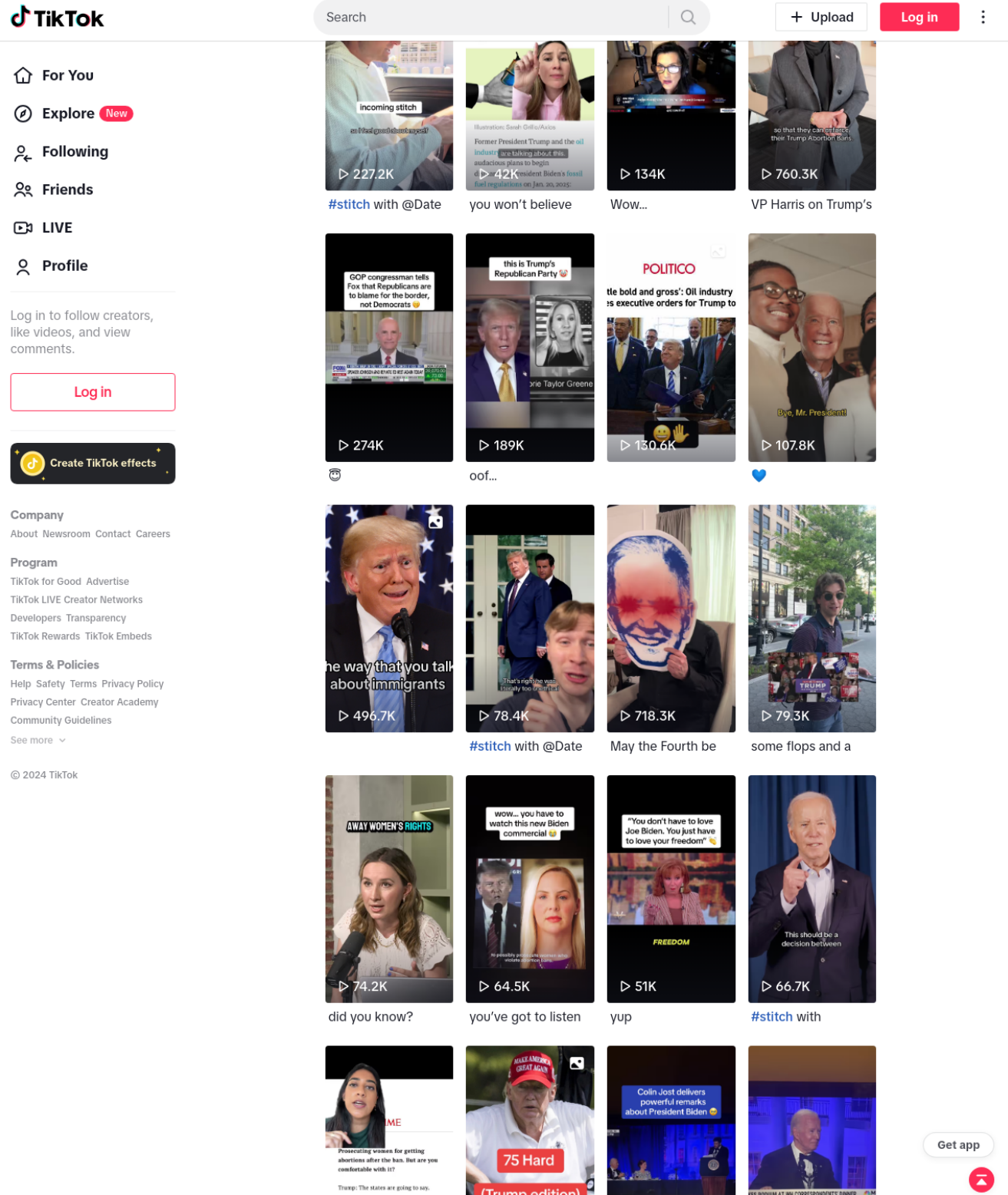


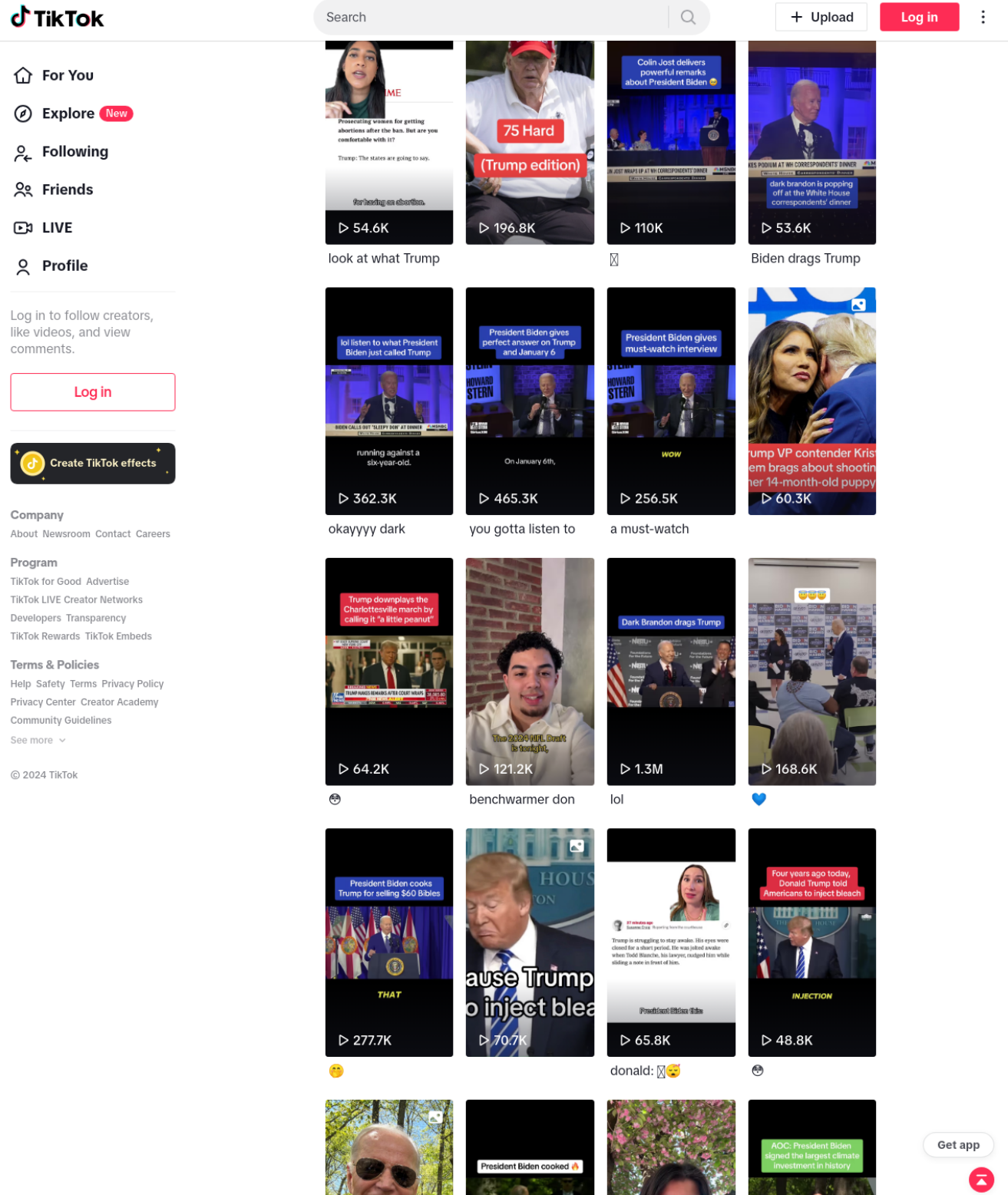
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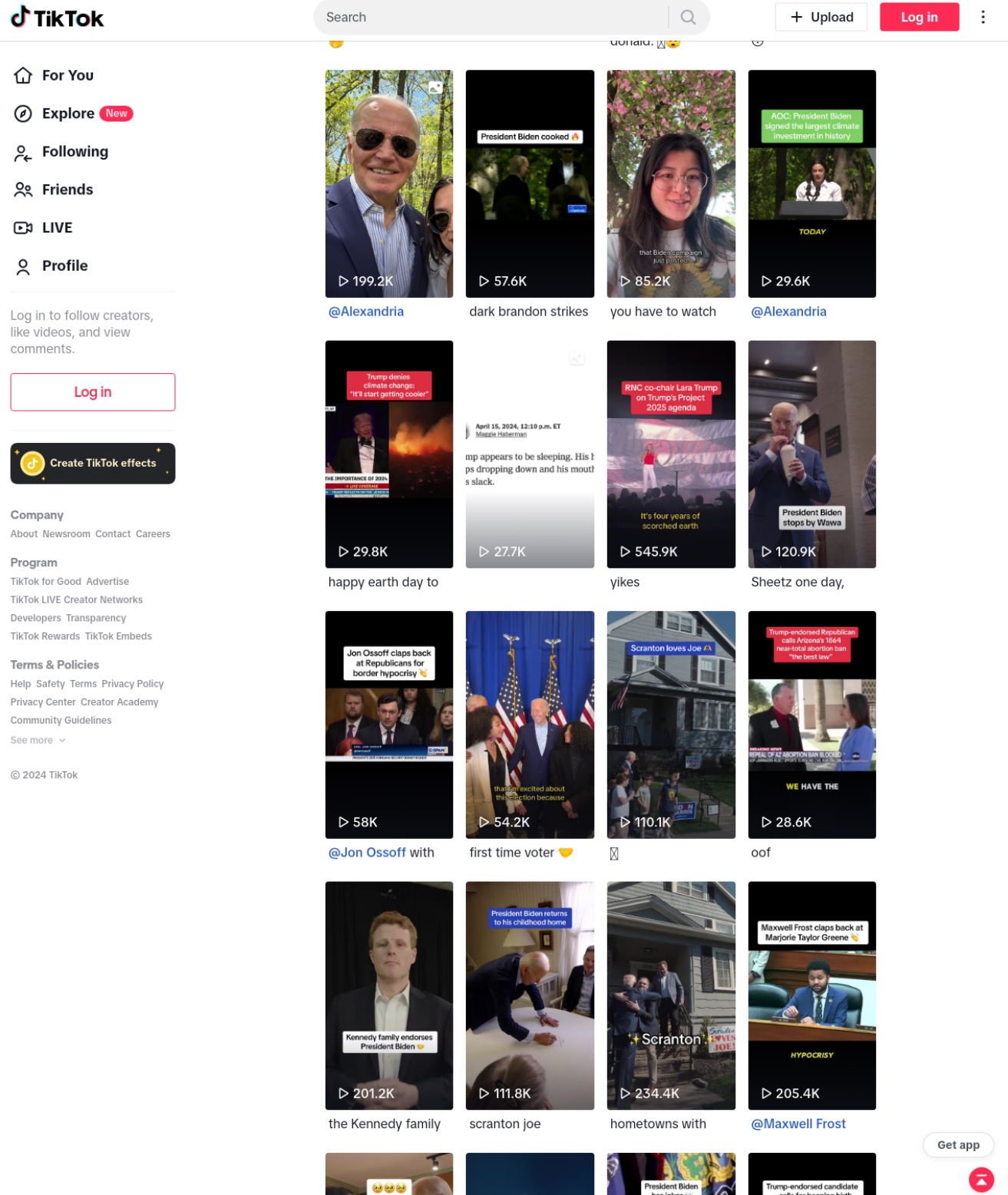


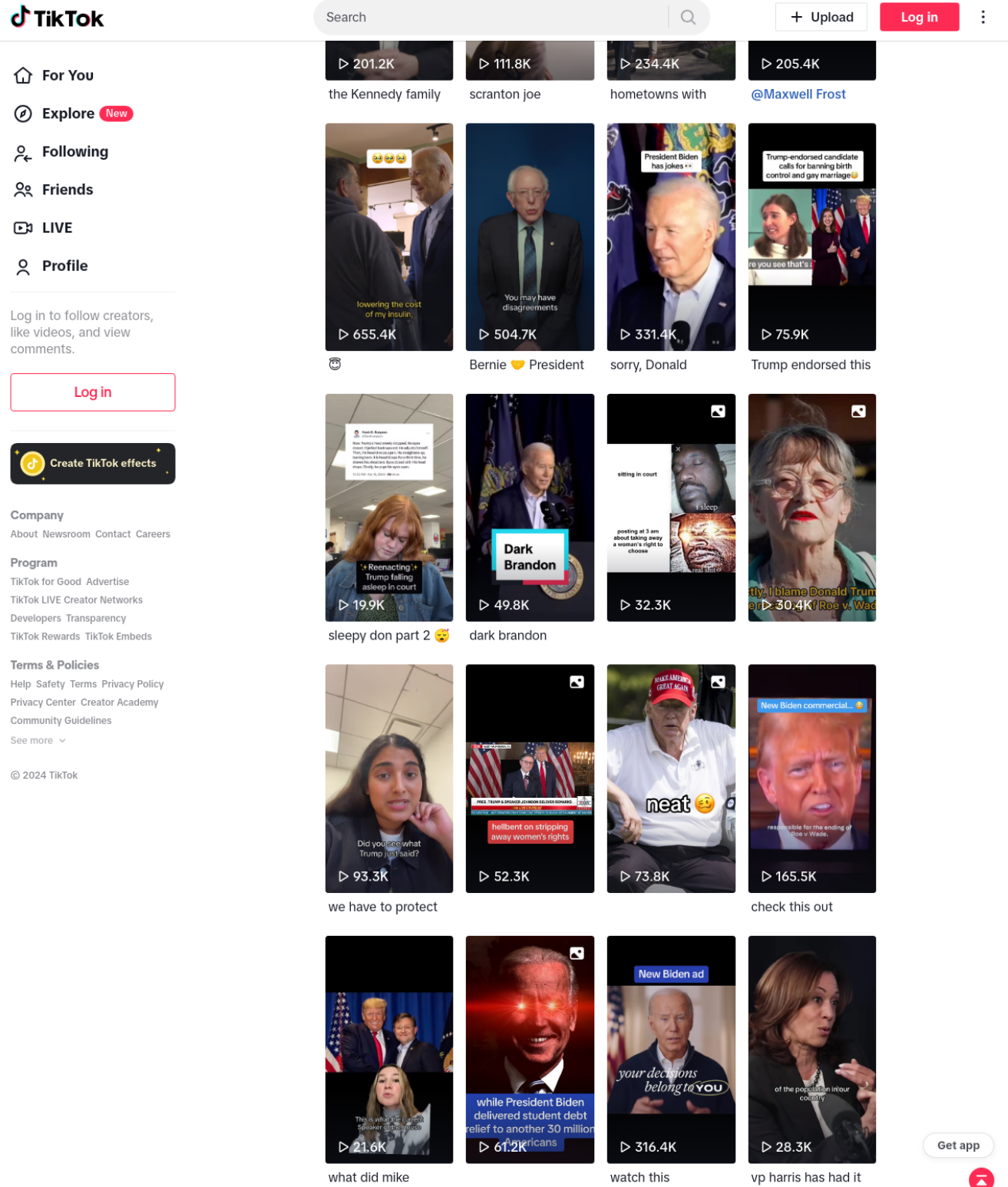


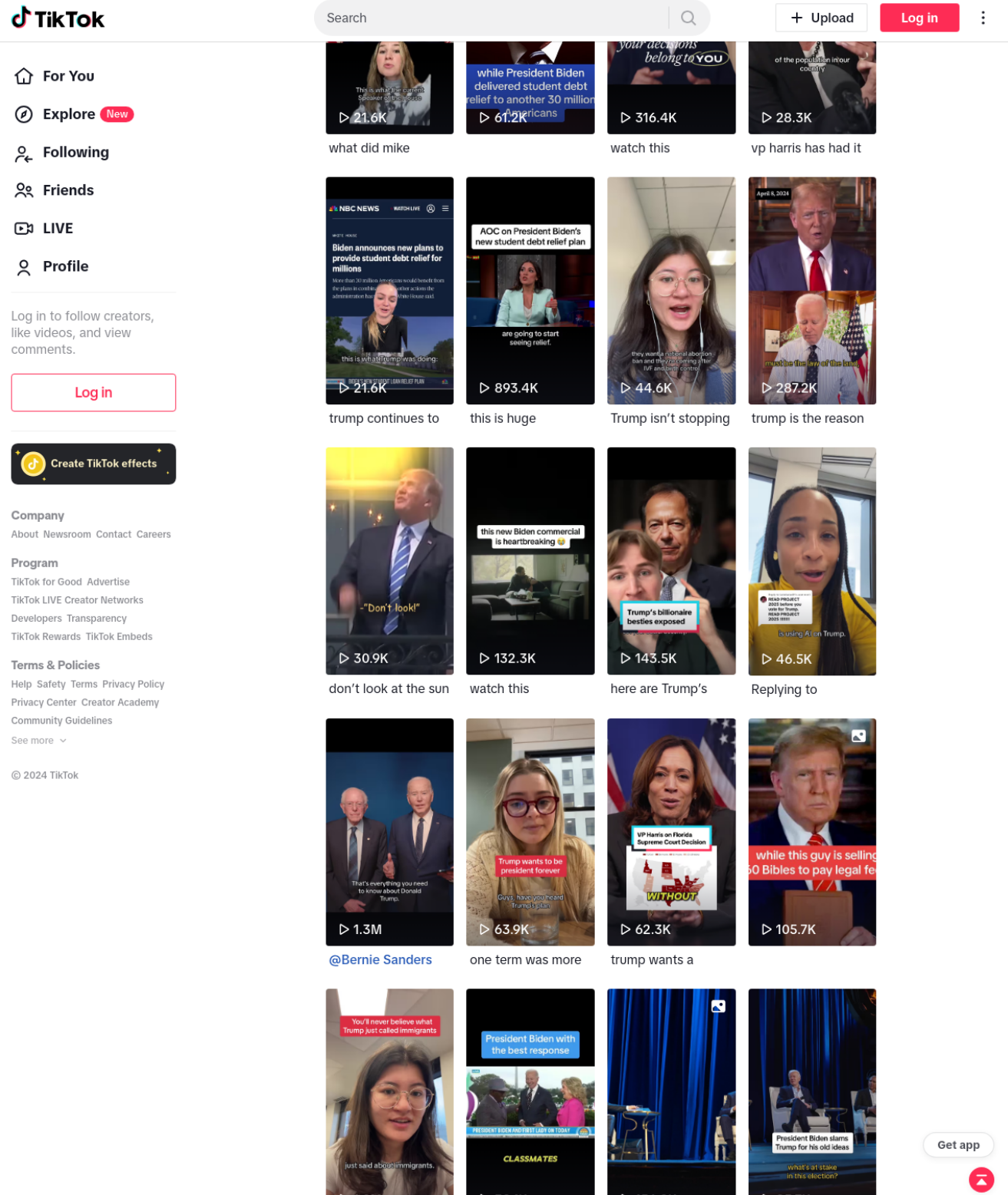


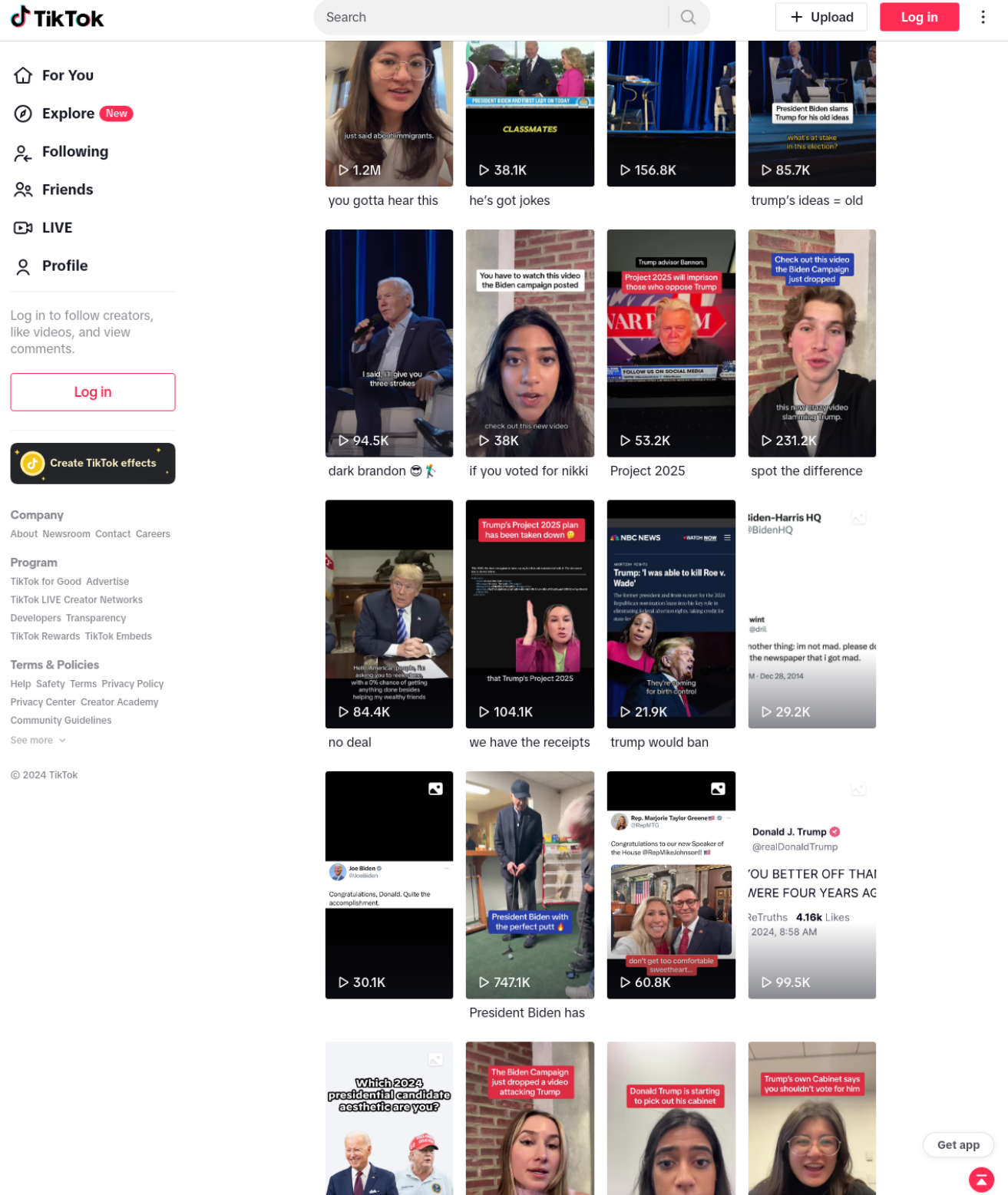

















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President Biden

712.9K

Trump caught on camera praising anti-democracy authoritarian

then Viktor Orban. He's fantastic.

245.2K

IDEN TRUM

SOCIAL SECURITY

President Biden vs.

164.9K

This Biden commercial on TV is GENIUS.

(wait until the end)

2M

when he says he

117.9K

President Biden was quick last night

he's on it lol

105.8K

Leader Jeffries calls Republicans at State of the Union an embarrassment

Exhibit A: Marjorie Taylor Greene.

197K

Republicans during e State of the Union

85.4K

and getting stronger.

131.1K

President Biden reacting to Marjorie Taylor Greene is all of us

same

1.1M

President Biden's closing remarks at the State of the Union

but

370.2K

President Biden slams Republicans for attacking reproductive rights

pro choice pres >

99.7K

You have to see what this Republican said.

this is the republican

127.8K

Donald Trump on immigration

Donald Trump

62.9K

den-Harris HQ

3idenHQ

FoxNews!

ECONOMY UNDER BIDEN

UNEMPLOYMENT RATE 3.7%

JOBS ADDED 167K

WAGES 4.3%

DOW JONES 15.2%

NEW HOME SALES PRICE 2.7%

MASSACHUSETTS PRESIDENT

TRUMP 60.7%

HALEY 39.3%

208K

Is Donald Trump okay?

TRUMP'S

101.8K

Biden-Harris HQ

3idenHQ

MAKE AMERICA GREAT AGAIN

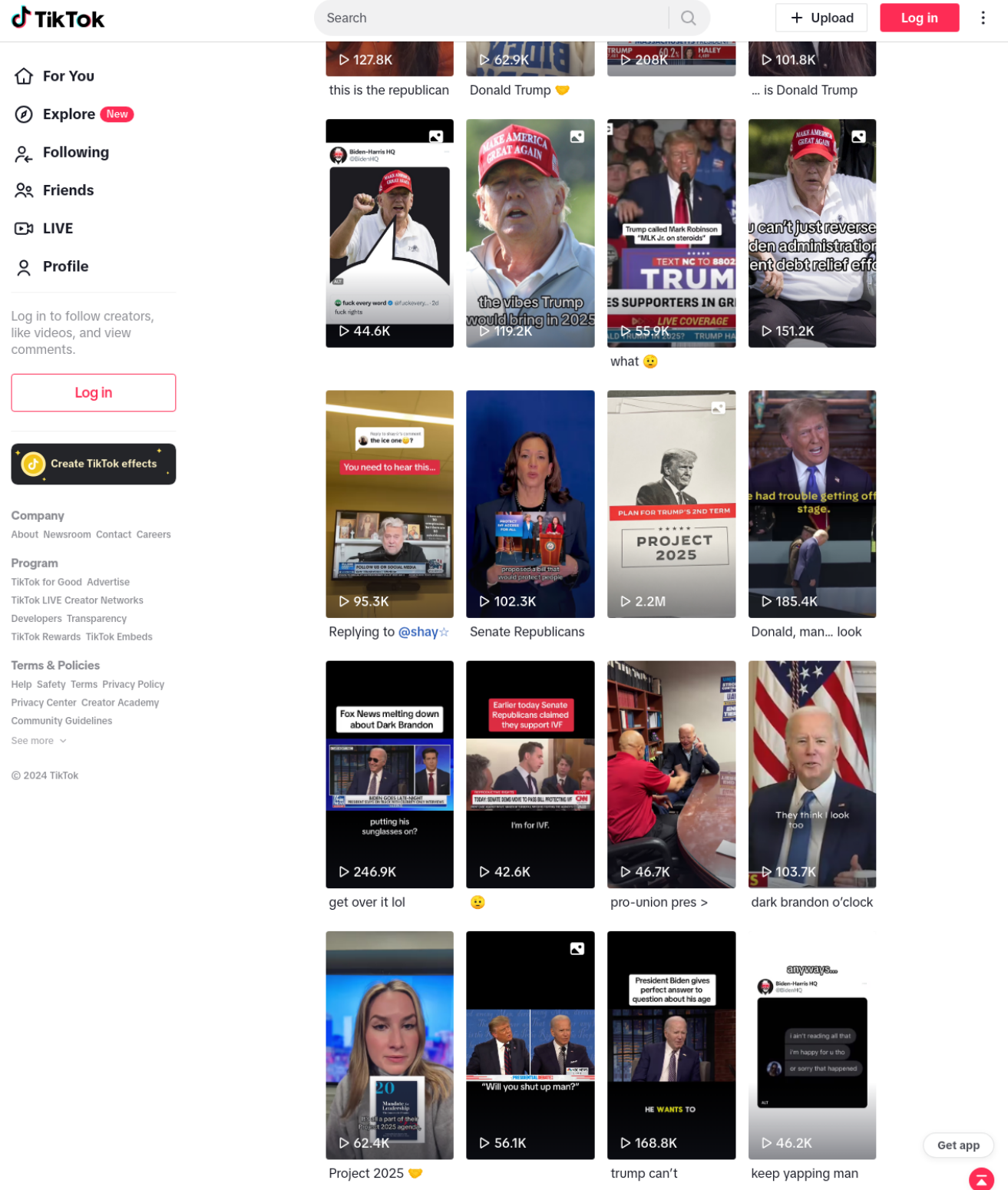
HALE ANDERSON GREAT AGAIN

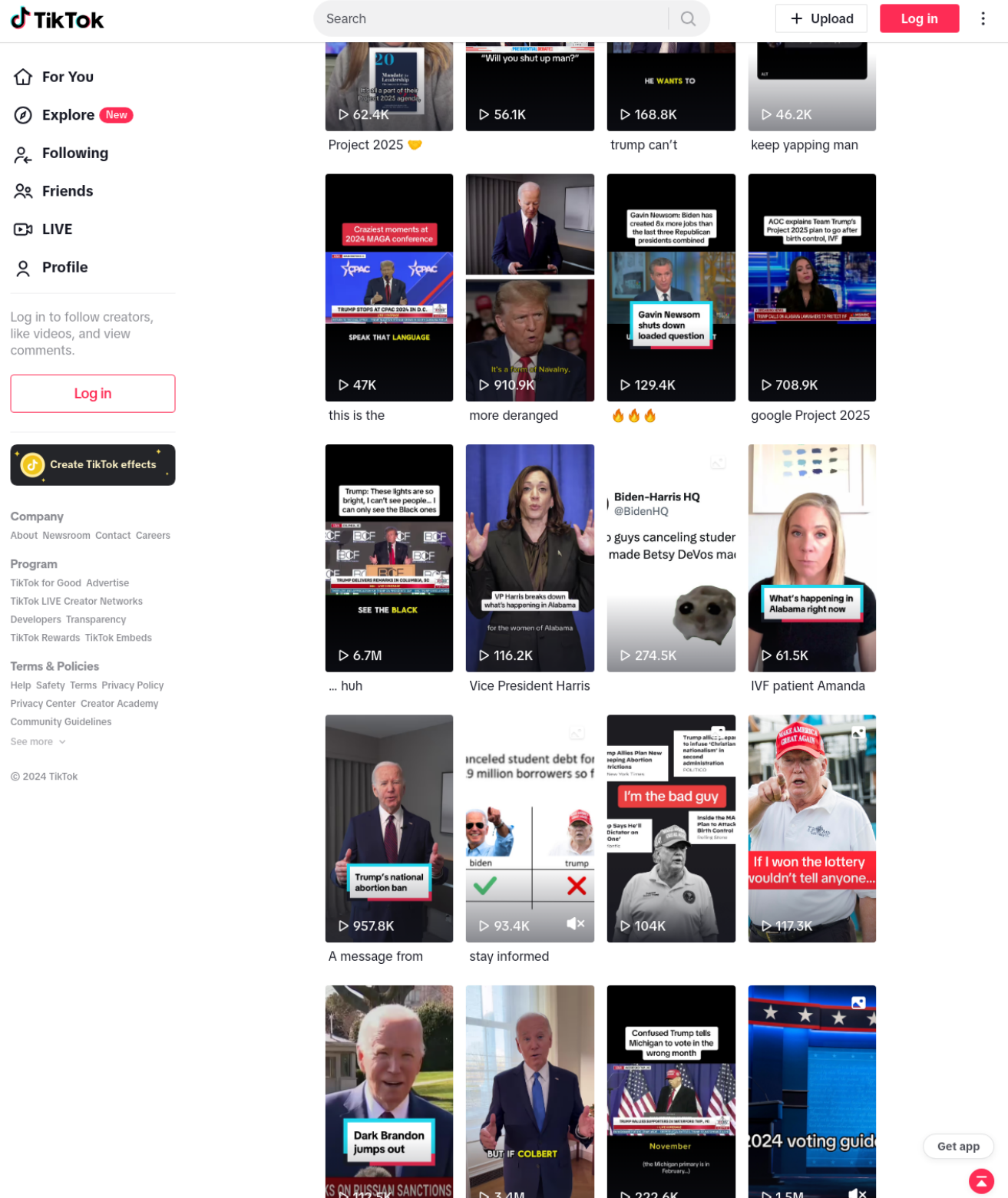
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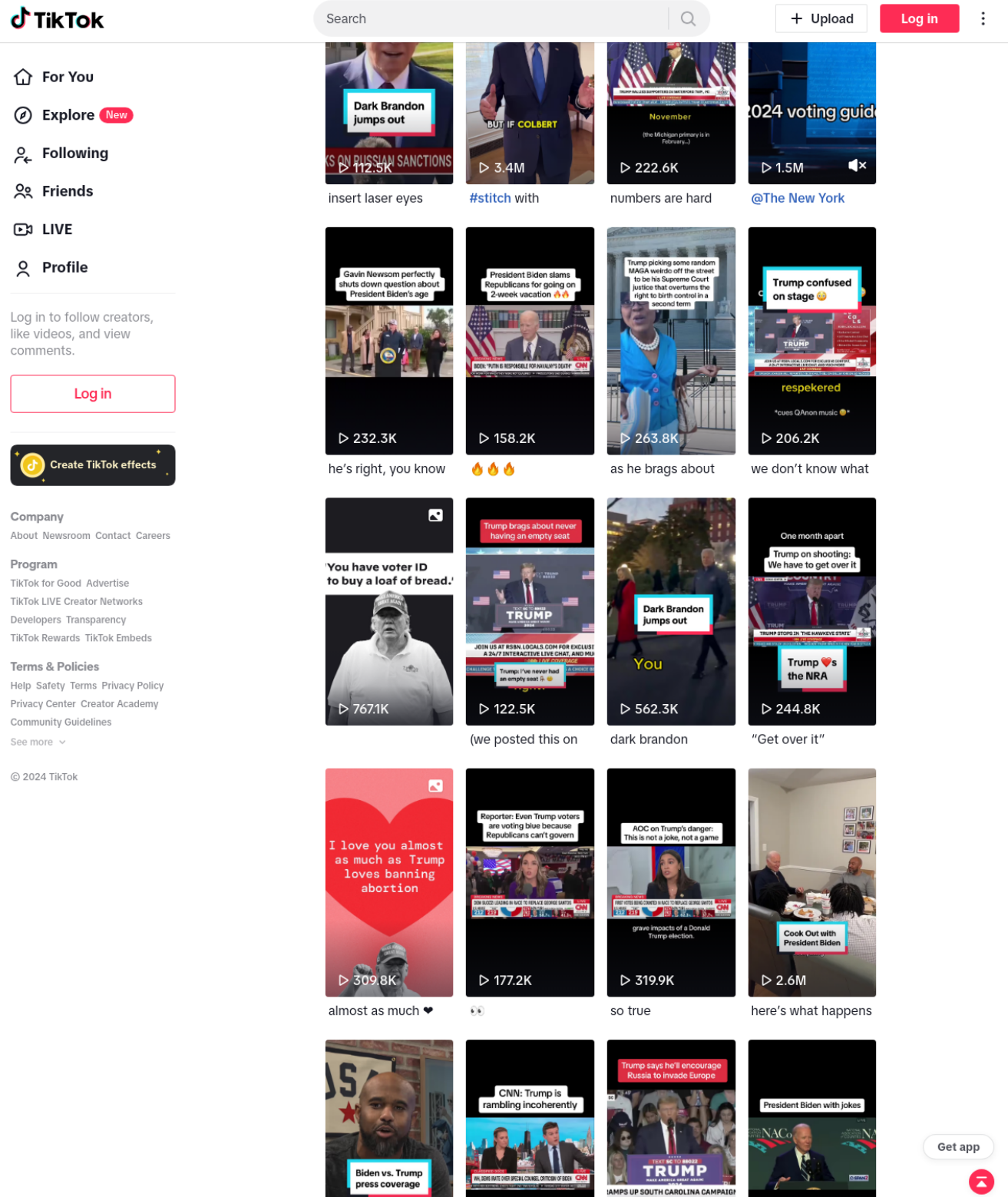
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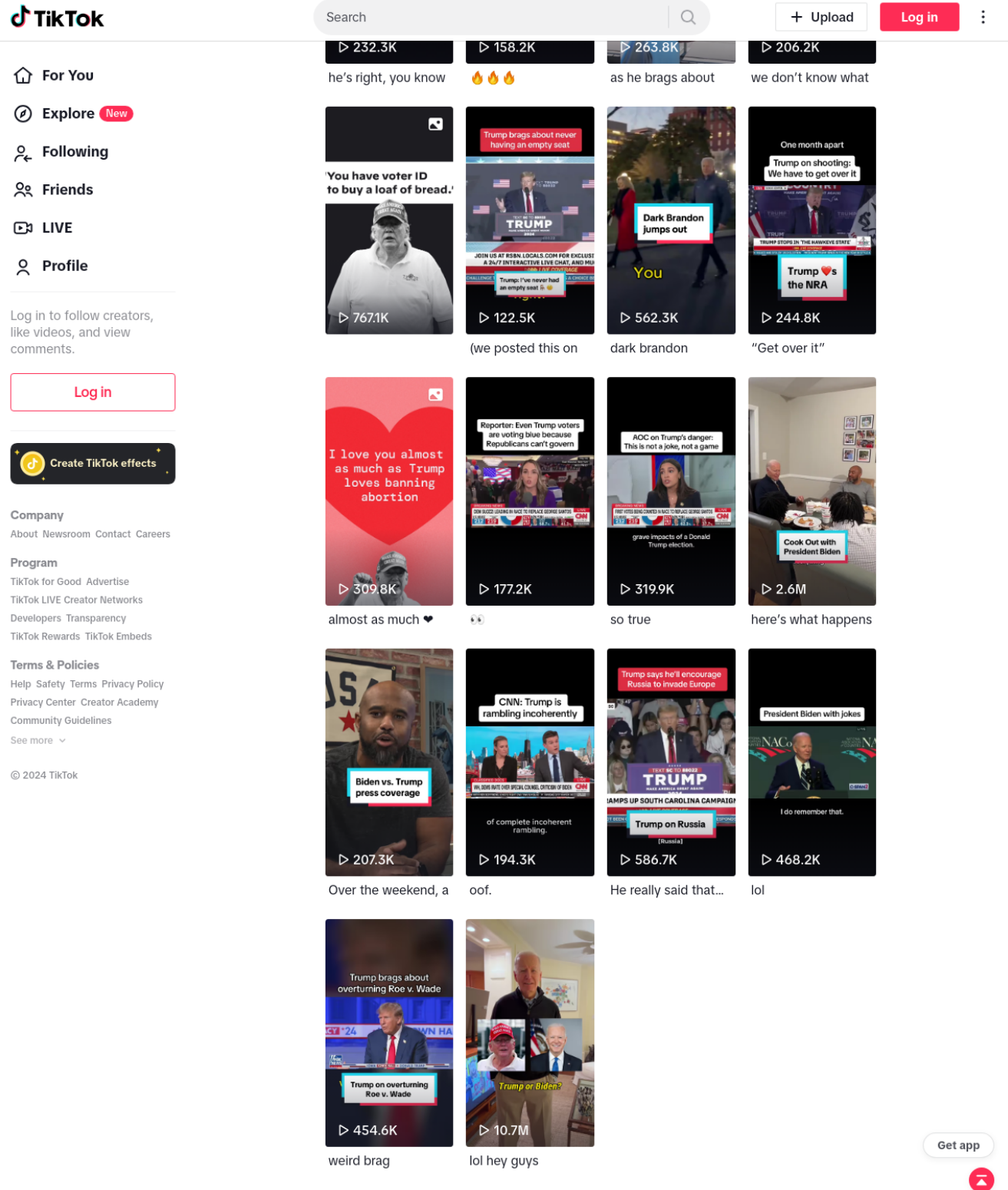
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**realdonaldtrump** ✓

President Donald J Trump

Follow

0 Following 6.4M Followers 8.4M Likes

45th President of the United States

Videos

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